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PART II

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General Services Administration

Federal Property Management Regulations

Addition of Parts

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

SUBTITLE C—FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM

Chapter 101—Federal Property Management Regulations

ADDITION OF PARTS

Chapter 101 of Title 41 of the Code of Federal Regulations is amended by the addition of the following parts:

101–3 Annual real property inventories.
101–14 Strategic, critical, and other materials.
101–15 Lead and zinc stabilization.
101–17 Construction and alteration of public buildings.
101–26 Procurement sources and programs.
101–35 Telecommunications.
101–42 Property rehabilitation services and facilities.

This material represents the third portion of the Federal Property Management Regulations published in the FEDERAL REGISTER (see 29 F.R. 13255, 14724; September 24 and October 29, 1964). It is a conversion of existing policies and procedures concerning Government management of the subject programs.

Part 101–15 supersedes Part 501 of Title 30 and Part 101–35 supersedes Part 184 of Title 44.

SUBCHAPTER A—GENERAL

PART 101–3—ANNUAL REAL PROPERTY INVENTORIES

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101–3.4901–1166A GSA Form 1166A: Annual Report of Real Property Leased to the United States.
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101–3.4901–1166A(I–A) Major cities.
101–3.4901–1209 GSA Form 1209: Summary of Number of Installations Owned by the United States.
101–3.4901–1209(I) Instructions for the preparation of GSA Form 1209: Summary of Number of Installations Owned by the United States.
101–3.4901–1209A GSA Form 1209A: Comparative Summary of Properties Leased to the United States.
101–3.4901–1209A(I) Instructions for the preparation of GSA Form 1209A: Comparative Summary of Properties Leased to the United States.

AUTHORITY: The provisions of this Part 101–3 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–3.000 Scope of part.

This part describes the procedure and forms for use by executive agencies in connection with the preparation of annual reports necessary for the maintenance and publication of inventories of real property owned by and leased to the United States as of June 30 each year.

Subpart 101–3.1—General Provisions

§ 101–3.100 Scope of subpart.

This subpart deals with the background, objectives, and coverage of reports in connection with the real property owned by and leased to the United States.

§ 101–3.101 Background.

(a) The inventory of Federal real property was initiated and is being continued at the request of the Senate Committee on Appropriations.

(b) The House Committee on Government Operations annually requests data on all Federally-owned real property for inclusion in its real and personal property inventory reports.

§ 101–3.102 Program objectives.

The principal objectives of the Government-wide real property inventory program are:

(a) To provide a centralized source of information on Federal real property holdings,

(b) To achieve the most effective control and economical Government-wide utilization of available property,

(c) To facilitate disposal of surplus property,

(d) To provide a basis for the intelligent evaluation and appraisal of budgetary requirements, and

(e) To establish a ready reference for answering inquiries from the Congress, the press, trade associations, educational institutions, Federal, State, and local government agencies, and the general public.

§ 101–3.103 Coverage.

The inventory reports prescribed in this Part 101–3 shall cover land, buildings, and other structures and facilities throughout the world, which are owned by or leased to the United States, including wholly-owned Federal Government corporations.

§ 101–3.104 Source of data.

Data reported shall be based on agency real property and accounting records.

§ 101–3.105 Agency liaison.

Each reporting agency shall designate an official to serve as agency representative for each of the real property inventories. The same representative may be designated for the federally owned and leased real property inventories. The General Services Administration, Office of Finance and Administration, Washington, D.C., 20405, shall be advised in writing of the names of all such representatives and subsequent changes.

Subpart 101–3.2—Annual Report—Real Property Owned by the United States

§ 101–3.200 Scope of subpart.

This subpart prescribes the procedure and forms to be used by executive agencies in connection with annual reports on real property owned by the United States.

§ 101–3.201 Reporting agency.

Reports on real property owned by the United States shall be submitted by the agency responsible for the maintenance of real property records and accounts as prescribed by General Accounting Office principles and standards and illustrated in 2 GAO 1270 and 2 GAO 7030; i.e., the agency which has control of and the authority to assign and reassign the use of the property or any portion thereof. For purposes of this inventory, the above rule shall apply regardless of the manner of acquisition or which agency is currently using the property. For example:

(a) For general purpose buildings, such as office buildings or warehouses, which are occupied by a Federal agency or agencies upon determination by GSA, and for which GSA is responsible for elevator and guard service, and for cleaning and maintenance, GSA is the reporting agency.

(b) For special purpose buildings, such as Coast Guard stations, military reservations, hospitals, and prisons, those agencies having control of building management and operation including authority to assign or reassign space in such buildings, will be considered as the reporting agencies.

§ 101–3.202 Coverage.

The annual reports of real property owned by the United States shall cover land, buildings, and other structures and facilities owned by the United States throughout the world. These reports shall include the following:

(a) Unreserved public domain lands.

(b) Public domain lands reserved for national forests, national parks, military installations, or other purposes.

(c) Real property acquired by purchase, construction, donation, and other methods.

(d) Real property in which the Government has a long-term interest considered by the reporting agency as being equivalent to ownership.

(e) Buildings or other structures and facilities owned by the Government whether or not located on Government-owned land.

(f) Excess and surplus real property. (The reporting agency, as defined in § 101–3.201 shall continue to retain accountability and report excess and surplus real property pending its transfer to a Federal agency or disposal.)

(g) Buildings being acquired under the terms of the Public Buildings Purchase Contract Program or Lease Purchase Agreements (39 U.S.C. 2103, 40 U.S.C. 356). Buildings shall be reported upon completion of construction. Separate annual reports shall also be submitted for real properties held in trust by the Federal Government.

§ 101–3.203 Exclusions.

Annual inventory reports on real property owned by the United States shall not include the following:

(a) Properties acquired through foreclosure, confiscation, or seizure to be liquidated in settlement of a claim or debt to the Federal Government.

(b) Rights-of-way or easements granted to the Government.

(c) Lands administered by the United States under trusteeship by authority of the United Nations.

(d) Machinery and processing equipment which are not part of the realty.

(e) Land held under permit from another Government agency.

§ 101–3.204 Reports to be submitted.

(a) Each agency shall prepare in accordance with instructions in § 101–3.4901–1166(I) and submit to GSA a separate report on GSA Form 1166, Annual Report of Real Property Owned by the United States (see § 101–3.4901–1166) for:

(1) Each newly acquired or previously omitted installation.

(2) Each installation received by transfer from another Federal agency which is not merged with an existing installation.

(3) Each installation with increases or decreases in cost of $1,000 or more affecting any line item or the total for the installation.

(4) Each installation declared excess or surplus, in whole or in part.

(5) Each disposal of a complete installation.

(6) Each installation for which a revision of an entry on a previous report is necessary to reflect a change in the name of an installation, date or method of acquisition of property, acreage, number and/or floor area of buildings, or predominant usage category of land, buildings, or other structures and facilities.

(b) Each agency shall prepare, in accordance with instructions in § 101–3.4901–1209(I) and submit to GSA a separate report on GSA Form 1209, Summary of Number of Installations Owned by the United States (see § 101–3.4901–1209) for each bureau or other major organizational unit, for (1) properties in the United States; and (2) properties outside the United States. Reports on GSA Form 1209 shall be submitted whether or not changes have occurred since the previous report.

§ 101–3.205 Optional reporting method.

Agencies with electrical accounting machine equipment may make arrangements with the GSA Office of Finance and Administration, to furnish detailed machine listings together with the supporting punch cards, in lieu of GSA Forms 1166. However, GSA Forms 1209 shall be submitted as prescribed in § 101–3.204(b).

§ 101–3.206 Preparation and due dates.

The annual inventory reports prescribed in § 101–3.204 shall be prepared as of June 30, each year. An original and one copy of each report shall be submitted to the General Services Administration, Office of Finance and Administration, Washington, D.C., 20405. not later than September 1.

Subpart 101–3.3—Annual Report—Real Property Leased to the United States

§ 101–3.300 Scope of subpart.

This subpart prescribes the procedure and forms to be used by executive agencies in connection with annual reports on real property leased to the United States.

§ 101–3.301 Reporting agency.

Reports on real property leased to the United States shall be submitted by the agency currently administering the lease and making payments to the lessor, regardless of which agency executed the original lease or is currently using the property.

§ 101–3.302 Coverage.

(a) The annual report of real property leased to the United States shall include all real property leased from private individuals, organizations, and municipal, county, State, and foreign governments, as evidenced by a written agreement involving a monetary consideration and a landlord-tenant relationship. It shall also include right of use and occupancy obtained under eminent domain proceedings or equivalent procedures.

(b) Real property leased rent free or for nominal rental may be included when the property is considered significant by the reporting agency. 35 Comp. Gen. 713 is suggested as a guide to help resolve questions pertaining to the definition of nominal payment.

§ 101–3.303 Exclusions.

Items to be excluded from the annual reports are: (a) real property occupied under permit or other arrangements with other Federal agencies or wholly owned Federal Government corporations; (b) leasehold improvements (Government-owned buildings or structures located on leased land shall be reported as owned); (c) rights-of-way and easements; and (d) real property leased rent free or for nominal rent when property is not considered significant by the reporting agency.

§ 101–3.304 Reports to be submitted.

(a) Each agency shall prepare, in accordance with instructions in § 101–3.4901–1166A(I) and submit to GSA a report of its leased real property holdings on GSA Form 1166A, Annual Report of Real Property Leased to the United States (see § 101–3.4901–1166A).

(b) Each agency shall prepare, in accordance with instructions in § 101–3.4901–1209A(I) and submit to GSA a separate report on GSA Form 1209A, Comparative Summary of Properties Leased to the United States (see § 101–3.4901–1209A), for each bureau of other major organizational unit, for: (1) properties in the United States; and (2) properties outside the United States.

§ 101–3.305 Optional reporting method.

Agencies with electrical accounting equipment may make arrangements with the General Services Administration, Office of Finance and Administration, to furnish detailed machine listings, together with the supporting punch cards, in lieu of GSA Forms 1166A. However, GSA Forms 1209A shall be submitted as prescribed in § 101–3.304(b).

§ 101–3.306 Preparation and due dates.

The annual inventory reports prescribed in § 101–3.304 shall be prepared as of June 30, each year. An original and one copy of each report shall be submitted to the General Services Administration, Office of Finance and Administration, Washington, D.C., 20405, not later than October 1.

Subparts 101–3.4—101–3.48 [Reserved]

Subpart 101–3.49—Forms and Reports

§ 101–3.4900 Scope of subpart.

This subpart contains illustrations of forms and instructions for their completion, to be used by executive agencies in connection with the submission of annual reports of real property owned by and leased to the United States.

§ 101–3.4901 GSA forms.

The GSA forms illustrated and instructions for their preparation are included in this subpart to provide a ready source of reference. The subsection numbers in this section correspond to the GSA form numbers and related instructions for their preparation. Thus, in § 101–3.4901–1166 appears GSA Form 1166, and in § 100–3.4901–1166(I) appears instructions for the preparation of GSA Form 1166.

NOTE: GSA forms filed with the Office of the Federal Register as part of the original document. Copies may be obtained from Central Office, GSA.

§ 101–3.4901–1166 GSA Form 1166: Annual Report of Real Property Owned by the United States.

§ 101–3.4901–1166(I) Instructions for the preparation of GSA Form 1166: Annual Report of Real Property Owned by the United States.

§ 101–3.4901–1166A GSA Form 1166A: Annual Report of Real Property Leased to the United States.

§ 101–3.4901–1166A(I) Instructions for the preparation of GSA Form 1166A: Annual Report of Real Property Leased to the United States.

§ 101–3.4901–1166A(I-A) Major cities.

§ 101–3.4901–1209 GSA Form 1209: Summary of Number of Installations Owned by the United States.

§ 101–3.4901–1209(I) Instructions for the preparation of GSA Form 1209: Summary of Number of Installations Owned by the United States.

§ 101–3.4901–1209A GSA Form 1209A: Comparative Summary of Properties Leased to the United States.

§ 101–3.4901–1209A(I) Instructions for the preparation of GSA Form 1209A: Comparative Summary of Properties Leased to the United States.

SUBCHAPTER C—DEFENSE MATERIALS

PART 101–14—STRATEGIC, CRITICAL, AND OTHER MATERIALS

SUBCHAPTER C—DEFENSE MATERIALS

Sec.

101–14.100 Scope of subpart.

Subpart 101–14.1—Transfer of Excess Strategic and Critical Materials to the National Stockpile

101–14.100 Scope of subpart.
101–14.101 Purpose and authority.
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101–14.102–1 Agency.
101–14.102–2 Excess.
101–14.102–3 Holding agency.
101–14.102–4 Strategic materials.
101–14.103 Reports of excess to GSA.
101–14.103–1 General requirements of reporting.
101–14.103–2 Less than minimum specified quantities.
101–14.103–3 Contractor inventory.
101–14.103–4 Industrial needs.
101–14.104 Transfers to the stockpile.
101–14.104–1 General.
101–14.104–2 Unsuitable items.
101–14.104–3 Withdrawals.
101–14.104–4 Reimbursements.
101–14.105 Materials not transferred to the stockpile.
101–14.106 List of strategic and critical materials to be reported to the Defense Materials Service, GSA.

Subpart 101–14.2—Transfer of Excess Materials From Defense Materials Service Inventories for Direct Government Use

101–14.200 Scope of subpart.
101–14.201 Purpose and authority.
101–14.202 Background.
101–14.203 Materials available.
101–14.204 Reimbursement.
101–14.205 Requests for transfers.

AUTHORITY: The provisions of this Part 14 issued under sec. 6, 53 Stat. 812, as amended, 50 U.S.C. 98e; sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; E.O. 10480, 18 F.R. 4939, 3 CFR, 1949–1953 Comp., p. 962, as amended; DMO 8600.1, 29 F.R. 5076.

§ 101–14.000 Scope of part.

This part deals with strategic, critical, and other raw and basic materials required for the national stockpile, and materials which are excess to the requirements for the national stockpile.

Subpart 101–14.1—Transfer of Excess Strategic and Critical Materials to the National Stockpile

§ 101–14.100 Scope of subpart.

This subpart deals with the transfer of excess strategic and critical materials to the national stockpile.

§ 101–14.101 Purpose and authority.

This subpart restates the policy and procedures for the transfer to the national stockpile of excess materials which are strategic and critical.

§ 101–14.102 Definitions.

As used in this subpart, terms shall have the meanings described in this section.

§ 101–14.102–1 Agency.

"Agency" means any agency of the United States, including any executive department or independent establishment in the executive branch of the Government, any wholly owned Government corporation, and any establishment in the legislative or judicial branch of the Government.

§ 101–14.102–2 Excess.

"Excess," with respect to strategic materials, means any such materials under the control of any agency which are not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

§ 101–14.102–3 Holding agency.

"Holding agency" means any agency having the control of strategic materials.

§ 101–14.102–4 Strategic materials.

"Strategic materials" means materials determined to be strategic and critical by the Office of Emergency Planning pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98).

§ 101–14.103 Reports of excess to GSA.

§ 101–14.103–1 General requirements of reporting.

Subject to the minimum quantity requirements specified in GSA Bulletin FPMR C–1 and subsequent issuances thereof, and except as hereinafter provided, all strategic materials listed, when determined to be excess, shall be reported by the holding agency to the General Services Administration, Defense Materials Service, Washington, D.C. 20405, which will determine whether they shall be transferred to GSA for stockpiling.

(a) Upon determination that such materials are excess, the holding agency will give advance notification to GSA by letter showing the location and quantity and describing the material in sufficient detail as to chemical or other composition, specification, size, etc., to indicate the nature of each strategic material. Complete purchase specifications or material content analyses shall be included whenever available.

(b) GSA will review the advance notification letter from the holding agency and if GSA decides that the material appears to conform to stockpile requirements and is needed for stockpile objectives, it will furnish the holding agency with complete reporting instructions, pursuant to which the holding agency shall submit a report on Standard Form 125, Report of Strategic and Critical Materials.

§ 101–14.103–2 Less than minimum specified quantities.

Each holding agency having excess strategic materials at any one location in lots less than the minimum quantities specified in the GSA Bulletin FPMR C–1 and subsequent issuances thereof, shall retain such materials until the specified minimum is accumulated and thereafter shall report such materials to the Defense Materials Service as required by this Subpart 101–14.1. The requirements of the foregoing sentence shall not be applicable, however, if the holding agency determines that there is no reasonable prospect of accumulating within twelve months the minimum quantities specified in GSA Bulletin FPMR C–1 and subsequent issuances thereof.

§ 101–14.103–3 Contractor inventory.

The requirements of this Subpart 101–14.1 shall not be applicable to strategic materials which are contractor inventory if the holding agency shall not have taken possession of such inventory.

§ 101–14.103–4 Industrial needs.

The requirements of this Subpart 101–14.1 shall not be applicable to strategic materials which are necessary to make up any deficiency of the supply of such materials for the current needs of industry, as determined by the Secretary of Commerce.

§ 101–14.104 Transfers to the stockpile.

§ 101–14.104–1 General.

Excess strategic materials reported under this Subpart 101–14.1 shall be transferred to the national stockpile following notification by GSA to the holding agency that such materials are acceptable and needed for the stockpile.

§ 101–14.104–2 Unsuitable items.

If excess strategic materials reported under this Subpart 101–14.1 are unsuitable for stockpiling or cannot economically be converted to meet stockpile specifications, GSA will so advise the holding agency, and such materials shall not thereafter be subject to this Subpart 101–14.1.

§ 101–14.104–3 Withdrawals.

Subject to the prior approval of GSA, holding agencies may withdraw materials reported under this Subpart 101–14.1, provided that such materials have not been theretofore transferred to the national stockpile.

§ 101–14.104–4 Reimbursements.

Unless the holding agency elects to bear such expenses, all expenses of preparation for shipment, all shipping and conversion expenses and all expenses after the date of shipment (including transportation, maintenance, and storage) which are incident to the transfer hereunder of excess strategic materials to the national stockpile may be paid from funds appropriated pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98). Otherwise, transfers of excess strategic materials to the national stockpile shall be made without reimbursement or transfer of funds.

§ 101–14.105 Materials not transferred to the stockpile.

Excess strategic materials in the following categories shall be handled in accordance with the applicable provisions of Part 101–43:

(a) Materials which are reported pursuant to this Subpart 101–14.1 but are not transferred to the stockpile.

(b) Materials which are not required to be reported pursuant to this Subpart 101–14.1.

§ 101–14.106 List of strategic and critical materials to be reported to the Defense Materials Service, GSA.

The Commissioner, Defense Materials Service, GSA, will issue from time to time a GSA Bulletin listing the materials and the quantities to which this subpart applies. Copies of the Bulletin may be obtained from the General Services Administration, Defense Materials Service, Materials Division, Washington, D.C., 20405.

Subpart 101–14.2—Transfer of Excess Materials From Defense Materials Service Inventories for Direct Government Use

§ 101–14.200 Scope of subpart.

This subpart deals with the transfer of excess materials from Defense Materials Service inventories for direct Government use.

§ 101–14.201 Purpose and authority.

This subpart restates the policy and procedures for the transfer of excess materials in the inventories of Defense Materials Service, GSA, to Government agencies for their direct use.

§ 101–14.202 Background.

On January 30, 1963, the President approved a report submitted by the Executive Stockpile Committee containing recommendations for the long-range disposal of excess stockpile materials. Recommendation No. 7 of that report reads as follows: "Federal agencies should continue to purchase their direct needs for surplus stockpile materials from the General Services Administration. . . . The term 'direct Government use' generally means actual consumption of the material in a Government-owned and -operated facility or establishment such as a Navy Yard, an ordnance plant, laboratory, or the U.S. Mint." To the same effect is section 3p of Defense Mobilization Order 8600.1, which reads in part as follows: "Government agencies which directly use strategic and critical materials shall fulfill their requirements through the use of materials in Government inventories that are excess to the needs thereof whenever such action is found to be consistent with overall disposal policies and with the best interests of the Government."

§ 101–14.203 Materials available.

(a) The Commissioner, Defense Materials Service, GSA, will issue a GSA Bulletin listing the excess materials available for transfer. The Bulletin will be revised as materials become available or as supplies of excess materials now available are exhausted. Copies of the Bulletin can be obtained from General Services Administration, Defense Materials Service, Materials Division, Washington, D.C., 20405.

(b) All of the materials will be available at storage depots in the continental United States.

(c) The Defense Materials Service reserves the right to fix the minimum quantity that may be released on a single order.

§ 101–14.204 Reimbursement.

Reimbursement to GSA will be at the cost of which the using agency would otherwise obtain its requirements on the market. Consideration will be given to quantity, quality, and other relevant factors.

§ 101–14.205 Requests for transfers.

Federal agencies are urged to screen the materials list contained in the Bulletin against their requirements and to advise GSA promptly of their needs. Requests for information concerning the transfer of any excess materials in DMS inventories should be made to: General Services Administration, Defense Materials Service, Materials Division, Washington, D.C., 20405.

PART 101–15—LEAD AND ZINC STABILIZATION

Subpart 101–15.1—Stabilization Payments to Small Domestic Producers

Sec.
101–15.101 Basis and purpose.
101–15.102 Definitions.
101–15.102–1 Act.
101–15.102–2 Administrator.
101–15.102–3 Normal inventory of crude ore.
101–15.102–4 Newly mined ore or concentrates.
101–15.102–5 Operating unit.
101–15.102–6 Principal product or products.
101–15.102–7 Quarter.
101–15,102–8 Recoverable content.
101–15.102–9 Sale.
101–15.102–10 Small domestic producer.
101–15.102–11 Normal commercial channels.
101–15.102–12 Ton.
101–15.103 Duration of the program.
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101–15.106 Limitations on individual producers and properties.
101–15.107 General limitations.
101–15.108 Reports and inspections.
101–15.109 Access to books and records.
101–15.110 Modification of benefits.
101–15.111 Criminal and civil penalties.
101–15.2—101–15.48 [Reserved].

Subpart 101–15.49—Forms

101–15.4901 GSA Form 1776: Application for participation in the Lead and Zinc Mining Stabilization Program.
101–15.4902 GSA Form 1777: Certification of participation in the Lead and Zinc Mining Stabilization Program.
101–15.4903 GSA Form 1778: Request for payment in the Lead and Zinc Mining Stabilization Program.

AUTHORITY: The provisions of this Part 101–15 issued under secs. 4, 5, 75 Stat. 767, 768, as amended; 30 U.S.C. 684, 685; Delegation of the Secretary of the Interior, 27 F.R. 3822.

Subpart 101–15.1—Stabilization Payments to Small Domestic Producers

§ 101–15.101 Basis and purpose.

The regulations in this Part 101–15 implement Public Law 87–347, 30 U.S.C. 684, 685, as amended, which authorizes the establishment and maintenance of a program of stabilization payments to small domestic producers of lead and zinc ores and concentrates in order to stabilize the mining of lead and zinc by such producers on public, Indian, and other lands. Pursuant to this Act, and the delegation of authority from the Secretary of Interior dated April 19, 1962, and published in the FEDERAL REGISTER (27 F.R. 3822, April 20, 1962), the Administrator of General Services is authorized to make stabilization payments and to establish and promulgate such regulations and to require such reports as he deems necessary to carry out the purposes of the Act and to assure equitable distribution of the benefits provided for by the Act among the small domestic producers affected. The Administrator of General Services will make such stabilization payments in accordance with the Act and the regulations in this Part 101–15.

§ 101–15.102 Definitions.

As used in this subpart, terms shall have the meanings described in this section.

§ 101–15.102–1 Act.

"Act" means the Act of Congress approved October 3, 1961, Public Law 87–347, 30 U.S.C. 681.

§ 101–15.102–2 Administrator.

"Administrator" means the Administrator of General Services or his duly authorized representative.

§ 101–15.102–3 Normal inventory of crude ore.

"Normal inventory of crude ore" means the quantity of broken ore on hand at the surface of a mine on October 3, 1961, but not in excess of a quantity which bears a reasonable relation to the quantities of such material customarily maintained during the calendar year, between January 1, 1950, and December 31, 1960, in which the producer attained his maximum production.

§ 101–15.102–4 Newly mixed ore or concentrates.

"Newly mined ore or concentrates" means domestic ores severed from the land, or concentrates produced from such domestic ores, subsequent to October 3, 1961, including a normal inventory of crude ore as defined in § 101–15.102–3. The term does not refer to material recovered from mine dumps, mill tailings, smelter slags, or residues derived from the ore mined prior to October 3, 1961, or to secondary or salvage material, or to any ores or concentrates which have been commingled with such materials.

§ 101–15.102–5 Operating unit.

"Operating unit" means a mine or group of mines, or portions of either, which the Administrator determines, on the basis of cost and operating records or other available data, is being operated as a single unit separate and apart from other units in the same area.

§ 101–15.102–6 Principal product or products.

The term "principal product or products" means that the dollar value of lead or zinc sold or the combination of lead and zinc sold must have been 50 per centum or more of the total dollar value of all minerals and metals contained in the ores and concentrates produced and sold by the small domestic producer, calculated on the basis of the product of the total metal and mineral content of the ores and concentrates sold, as determined from the settlement assays, and the quoted market prices of those metals or minerals at the time of the sale.

§ 101–15.102–7 Quarter.

"Quarter" means a 3-month period commencing on the first day of January, April, July, or October.

§ 101–15.102–8 Recoverable content.

"Recoverable content" means 95 percent of the lead content of ores or concentrates, as determined by assay.

§ 101–15.102–9 Sale.

"Sale" means a bona fide transfer for value of ores or concentrates from a producer to a processor, which shall be deemed to have occurred not later than the date of receipt of the material by the processor. If a producer smelts or refines his own ores or concentrates, a sale shall be deemed to have occurred when such ores or concentrates are received at his smelter or refinery. A sale of concentrates produced from ores sold to a processing plant by a small domestic producer in accordance with the regulations in this Part 101–15 shall not be considered as a sale by the owner of the processing plant, but shall be considered as a sale by such producer.

§ 101–15.102–10 Small domestic producer.

The term "small domestic producer" means any person or firm engaged in producing ores or concentrates from mines located within the United States or its possessions and in selling the material so produced in normal commercial channels who, during any 12-month period between January 1, 1956, and the first day of the first period for which he seeks a payment under the Act, has not produced or sold ores or concentrates the recoverable content of which is more than three thousand tons of lead and zinc combined: *Provided*, That the principal product or products of such producer is either lead or zinc or a combination of lead and zinc.

§ 101–15.102–11 Normal commercial channels.

The term "normal commercial channels" means the use of beneficiating plants, smelters, refineries, or other processing plants which purchase and process lead or zinc ores or concentrates as a usual part of their business.

§ 101–15.102–12 Ton.

"Ton" means 2,000 pounds avoirdupois net dry weight.

§ 101–15.103 Duration of the program.

The program shall terminate with respect to each calendar year upon the happening of either of the following events, whichever occurs first:

(a) The closing of the calendar year, or

(b) When the amounts of stabilization payments for the calendar years, 1962, 1963, 1964, and 1965, total $4,500,000, $4,500,000, $4,000,000, and $3,500,000, respectively.

§ 101–15.104 Participation in the program.

(a) Any small domestic producer desiring to participate in the program shall apply on GSA Form 1776 (see § 101–15.4901) to General Services Administration, Defense Materials Service, Washington, D.C., 20405. The application should state that the applicant has read the regulations in this Part 101–15 and accepts their terms and conditions. The Administrator may request such additional information as may be necessary and will issue to each applicant found by him to be qualified a certificate of participation on GSA Form 1777 (see § 101–15.4902), authorizing the applicant to apply for stabilization payments under the regulations in this Part 101–15 to the extent he is eligible and qualified to receive such payments. The issuance of such a certificate shall not entitle the applicant to any stabilization payments to which he would not otherwise be entitled under the terms and conditions of the Act and the regulations in this Part 101–15.

(b) To obtain stabilization payments a certified producer shall submit to GSA a request for payment on GSA Form 1778 (see § 101–15.4903).

(c) Notwithstanding the fact that all requirements of the regulations in this part may have been met, a small domestic producer shall not be entitled to any stabilization payments if funds are not available therefor under the program.

(d) The rights under a certificate of participation cannot be acquired by assignment through a sale, lease, permit, or other similar transaction, but may be acquired by succession in interest other than by such an assignment.

(e) No person or firm may succeed to the rights under a certificate of participation unless an amended application on GSA Form 1776 (see § 101–15.4901) is made to the above address giving all the facts relating to such succession in interest. If a valid succession in interest is shown to have occurred and the successor in interest is otherwise eligible, an amended certificate of participation on GSA Form 1777 (see § 101–15.4902) will be issued entitling the successor in interest to continue the rights under the original certificate.

§ 101–15.105 Stabilization in the program.

Stabilization payments will be made to small domestic producers upon the following terms and conditions:

(a) Presentation of evidence satisfactory to the Administrator of the sale by such applicant of his production of newly mined ore, or concentrates produced therefrom, as provided for in the regulations in this Part 101–15.

(b) Payment shall be made only with respect to the lead or zinc metal content as determined by assay in accordance with § 101–15.105 (c) and (d).

(c) When the producer sells ore to a processing plant, the assays for lead and zinc shown on the certified assay report issued by the processing plant shall be used. When the producer ships ore to his own processing plant, or ships ores to a toll processing plant, and sells the concentrates therefrom, the assays shown on the certified assay report issued by the smelter or refinery purchasing the concentrates shall be used. Such assays shall be furnished without cost to GSA. Prior to the issuance of a certificate of participation to an applicant, the applicant shall agree that a representative of the Administrator may be present at the weighing, sampling, and assaying of the material upon which stabilization payments are claimed; that a representative portion of the sample shall be packaged, sealed, and identified as the Government's sample; that the Government's sample shall be set aside and held for the Government; and that the Government may have its sample assayed, in which event the Government's assays shall be accepted as establishing the metal content of the material sampled for the purpose of determining the amount of stabilization payments which the applicant may claim against the sales of such material. The cost of the Government's assays shall be for the Government's account.

(d) Lead or zinc metal content shall be calculated on the basis of the dry weights of the ores or concentrates sold multiplied by the percentages of contained lead or zinc metal shown in the assays issued in accordance with § 101–15.105(c). No stabilization payments shall be made for zinc metal contained in a lead ore or concentrate, or for lead metal contained in a zinc ore or concentrate, unless both metals are sold. If, however, the processor is the same person as the producer, such payments will be made only if such ore or concentrate is to be primarily processed for the recovery of both metals.

(e) For lead, such payment shall be made, subject to the availability of funds therefor, on sales made at times when the market price for common lead at New York, New York, as determined by the Administrator, is below 14½ cents per pound, and such payments shall be 75 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred as determined by the Administrator.

(f) For zinc, such payments shall be made, subject to the availability of funds therefor, on sales made at times when the market price for prime zinc at East Saint Louis, Illinois, as determined by the Administrator, is below 14½ cents per pound, and such payment shall be 55 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred as determined by the Administrator.

(g) The Administrator's market price determinations shall be based upon trade publications and such other sources of market information as he deems relevant.

(h) Each small domestic producer shall submit one request for payment, on GSA Form 1778 (see § 101–15.4903), covering all sales for each month. Each such request should be submitted by the 15th day after the end of the month in which the sales covered by such request are made, except that requests with respect to sales made between January 1, 1962, and the last day of the month in which the participant receives his certification of participation are to be submitted by the 15th day of the following month. Requests shall be submitted to: General Services Administration, Office of Financial Management, OFA, Washington, D.C., 20405. Unless justifiable cause beyond the reasonable control of the applicant is shown, requests for payment received after the applicable date will not be paid until the month following their receipt and in no event will payments be made on requests received after March 31 of the year following the year of the sale. Late requests run the risk of the exhaustion of funds through the payment of timely requests.

(i) Except for applications for participation received during the first three quarters of 1962, an applicant may be eligible for payments under the regulations in this Part 101–15 only with respect to sales in a quarter commencing after the date of the receipt of his application.

§ 101–15.106 Limitations on individual producers and properties.

(a) Stabilization payments otherwise authorized under the regulations in this Part 101–15 shall be subject to the following limitations and restrictions:

(1) No stabilization payments shall be made to any small domestic producer on sales, or further processing in lieu of sales, of newly mined ores or concentrates produced therefrom in excess of the following quantities:

	Tons (metal content)	
Calendar year:	*Lead*	*Zinc*
1962	1,500	1,500
1963	1,200	1,200
1964	900	900
1965	600	600

(2) No small domestic producer may receive stabilization payments on lead in any one of the above calendar years based upon production in excess of his maximum production (recoverable content) of lead during any calendar year between January 1, 1950, and December 31, 1960.

(3) No small domestic producer may receive stabilization payments on zinc in any one of the above calendar years based upon production in excess of his maximum production (recoverable content) of zinc during any calendar year between January 1, 1950, and December 31, 1960.

(4) No stabilization payments shall be made on any domestically produced material which is sold to or eligible for sale to the United States Government, or any agency thereof, pursuant to a contract made under the provisions of the Defense Production Act of 1950, 50 U.S.C. Appendix 2061–2166, as amended, or the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98–98h. The amounts of such material shall be applied to reduce the annual maximum quantities specified in § 101–15.106(a)(1) and the applicable quarterly limitations and quotas fixed by the Administrator pursuant to § 101–15.107.

(b) Stabilization payments shall be made only with respect to lead or zinc ores and concentrates produced from an operating unit which was also operated during the whole or some part of the period January 1, 1956, to August 1, 1961.

(c) No stabilization payments shall be made on any production from any property acquired by the applicant by sale, lease, permit, or otherwise (except devise or inheritance) subsequent to August 1, 1961. However, any person or firm acquiring a property by sale, lease, permit, or otherwise after August 1, 1961, and otherwise meeting the requirements for a small domestic producer, may qualify as a small domestic producer if such person or firm produced lead or zinc ores or concentrates from a mine specified in a lease, permit, or contract during the whole or some part of the period January 1, 1956, to August 1, 1961, but not if his production during such period was from a mine owned by him.

(d) The Administrator may determine what constitutes a single operating unit producing ores. If more than one producer claims payment for sales from production of a single operating unit, the Administrator may determine the quantity of sales for each such producer to which the limitations set forth in the regulations in this Part 101–15 apply.

(e) No producer shall be eligible for payment under the regulations in this Part 101–15 if he is operating under a lease, contract, or permit obtained after October 3, 1961, from another producer of lead or zinc who has placed a larger portion of his lead and zinc mining properties under lease, contract, or permit to other producers than he had placed at his highest production level of lead and zinc since January 1, 1956, to October 3, 1961.

§ 101–15.107 General limitations.

(a) Notwithstanding any other provisions of the regulations in this Part 101–15, the maximum amounts of stabilization payments which may be made on account of sales of newly mined ores or concentrates produced therefrom shall not exceed the following amounts or the amounts appropriated therefor, whichever is less:

During the calendar year:	Not to exceed:
1962	$4,500,000
1963	4,500,000
1964	4,000,000
1965	3,500,000

(b) For the purpose of achieving stabilization in the annual rates of production, the Administrator will fix limitations each quarter on the total amounts of lead and zinc on which stabilization payments will be made. The Administrator will assign quotas to individual producers within such quarterly limitations to the extent necessary and in a manner designed to assure equitable distribution of the benefits of the programs. The limitations and quotas so fixed and assigned will not be subject to adjustment except in the event of changes in market prices having such substantial impact upon amounts payable on sales during the quarter as the Administrator determines to require adjustments to avoid defeating the statutory purposes of stabilizing production and making equitable distribution of benefits. The sum of the quarterly limitations or the sum of all producers' quarterly quotas for a calendar year may be less than the total eligible tonnage if funds are not available to cover the full eligible tonnage. Shortfalls in meeting quarterly quotas for any of the first three quarters may be made up by sales in excess of the individual producer's quota for the following quarter only. Shortfalls in the fourth quarter cannot be made up by sales in the first quarter of the following year. Sales made in any quarter in excess of the quota for that quarter may not be carried forward for payment during subsequent quarters.

§ 101–15.108 Reports and inspections.

(a) Applicants shall furnish the Administrator, from time to time, reports showing production and disposition of ores or concentrates, together with such other reports and information as the Administrator may require for the administration of the regulations in this Part 101–15. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U.S.C. 139), and any requirements subsequently prescribed will be subject to such approval.

(b) Authorized representatives of the United States Government may enter the applicant's property at all reasonable times for inspection of the operations of the applicant. The applicant shall provide such authorized representatives with all reasonable means of access for such inspections.

§ 101–15.109 Access to books and records.

Until three years after the termination of the program established under the regulations in this Part 101–15, authorized representatives of the United States Government shall have access to and the right to examine any pertinent books, documents, papers, and records of any participant involving transactions related to the program.

§ 101–15.110 Modification of benefits.

The regulations in this Part 101–15 may be amended or revised by the Administrator from time to time whether or not such amendment or revision increases or decreases any of the benefits provided for by the regulations in this Part 101–15 or affects the distribution of benefits among small domestic producers.

§ 101–15.111 Criminal and civil penalties.

As provided in 30 U.S.C. 689—

(a) Whoever, for the purpose of procuring a payment to which he is not entitled under the Act or the regulations in this Part 101–15 or for the purpose of assisting another to procure a payment to which the other is not entitled under the Act or the regulations in this Part 101–15 misrepresents any material fact, knowing the same to be false, fictitious, or fraudulent, shall be guilty of an offense against the United States and shall be fined not more than $5,000 or imprisoned not more than two years, or both, and shall thenceforth be entitled to no benefits under the Act or the regulations in this Part 101–15.

(b) Whoever accepts a payment under the Act or the regulations in this Part 101–15 to which, or any portion of which, he is not entitled, knowing that he is not entitled thereto or whoever, having accepted a payment under the Act or the regulations in this Part 101–15 to which, or any portion of which, he is not entitled, retains the same, knowing that he is not entitled thereto, shall be required, in a civil action instituted by the Attorney General, to refund treble the amount accepted or retained by him. The acceptance or retention of any payment as aforesaid shall also constitute an offense against the United States punishable by a fine of not more than $5,000 or imprisonment for not more than two years, or both, and any person who shall be convicted of such offense shall thenceforth be entitled to no benefits under the Act or the regulations in this Part 101–15.

§§ 101–15.2—101–15.48 [Reserved]

Subpart 101–15.49—Forms

§ 101–15.4900 Scope of subpart.

This subpart illustrates forms available for use in connection with the Lead and Zinc Stabilization program prescribed in Part 101–15.

NOTE: GSA forms filed with the Office of the Federal Register as part of the original documents. Copies may be obtained from Central Office, GSA.

§ 101–15.4901 GSA Form 1776: Application for Participation in the Lead and Zinc Mining Stabilization Program.

§ 101–15.4902 GSA Form 1777: Certificate of Participation in the Lead and Zinc Mining Stabilization Program.

§ 101–15.4903 GSA Form 1778: Request for Payment in the Lead and Zinc Mining Stabilization Program.

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–17—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

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Subpart 101–17.6—Funding Projects
101–17.601 GSA funding responsibility.
101–17.602 Other agencies funding responsibilities.

AUTHORITY: The provisions of this Part 101–17 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–17.000 Scope of part.

This part prescribes policies and procedures for the construction and alteration of public buildings in the United States.

§ 101–17.001 Authority.

This Part 101–17 implements the applicable provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended) and the Public Buildings Act of 1959 (40 U.S.C. 601–615).

Subpart 101–17.1—General

§ 101–17.101 Definition of terms.

For the purposes of this Part 101–17 the following terms shall have the meanings set forth in this section.

§ 101–17.101–1 Alter.

"Alter" means repairing, remodeling, improving, extending, or otherwise changing a public building. The term includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the alteration of a public building.

§ 101–17.101–2 Alteration project.

"Alteration project" means a project to alter a public building which is estimated to cost in excess of $200,000 and which specifies any of the following:

(a) Alterations estimated to be completed in five years for the continued use and occupancy of the building.

(b) Alterations to a building and/or its equipment occasioned by a space reassignment.

(c) Alterations occasioned by an emergency.

(d) Alterations to a building financed in whole or in part by another agency's funds, except the Postal Modernization Fund.

§ 101–17.101–3 Construct.

"Construct" means to build a public building. The term includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction of a public building.

§ 101–17.101–4 Executive agency.

"Executive agency" means any executive department or independent establishment in the executive branch of the Government including any wholly owned Government corporation and including the Central Bank for Cooperatives and the regional banks for cooperatives, Federal land banks, Federal intermediate credit banks, Federal home loan banks, Federal Deposit Insurance Corporation, and The Federal National Mortgage Association.

§ 101–17.101–5 Prospectus.

"Prospectus" means the statement of the proposed project, required by section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) including a description, its location, estimated maximum cost, a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed project, a statement by the Administrator of General Services that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action and a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the proposed project.

§ 101–17.101–6 Public building.

(a) The term "public building" means any building, whether for single or multi-tenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include: Federal office buildings, post offices, customhouses, courthouses, appraisers stores, border inspection facilities, warehouses, record centers, relocation facilities, similar Federal facilities, and any other buildings or construction projects the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest; but shall not include any such buildings and construction projects: (1) on the public domain (including that reserved for national forests and other purposes), (2) on properties of the United States in foreign countries, (3) on Indian and native Eskimo properties held in trust by the United States, (4) on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith, (5) on or used in connection with river, harbor, flood control, reclamation or power projects, or for chemical manufacturing or development projects or for nuclear production, research, or development projects, (6) on or used in connection with housing and residential projects, (7) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense), (8) on Veterans Administration installations used for hospital or domiciliary purposes, and (9) the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

(b) Buildings leased by the Government are not "public buildings" within the meaning of the Public Buildings Act of 1959.

§ 101–17.101–7 United States.

"United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

§ 101–17.102 Basic policy.

(a) GSA will plan the construction and alteration of Federal facilities at a rate that will reduce the total amount of rental space, provide for Federal operations to be housed in Government-owned space, and replace Government-owned facilities becoming obsolete, with modern functional structures that meet present day requirements for efficient and economical operations.

(b) GSA will provide technical services and guidance to other Federal agencies in the formulation and development of their programs for construction and alteration of special facilities.

(c) Excess properties transferred to GSA will be renovated and altered whenever practical to meet the Government space needs.

(d) In the design of new public buildings, and to the extent feasible in the alteration of existing public buildings, GSA will insure that such buildings and attendant facilities will be accessible to and usable by the physically handicapped.

(e) In the siting and locating of buildings on selected sites, GSA representatives will work directly with local officials in seeking to conform as closely as possible to local zoning regulations.

(f) In the design of new public buildings, the national building codes will be followed as minimum requirements.

(g) Parking for Government-owned vehicles, visitors, and employees will be provided in the planning of public buildings with due regard to the needs of the Federal agencies to be housed in each building, local zoning and parking regulations, availability of public transportation, and availability of planned and existing public and privately owned parking facilities in the locality.

Subpart 101–17.2—Selection and Approval of Projects

§ 101–17.201 Determination of need.

Construction and alteration projects will be selected by the Administrator of General Services based on a continuing investigation and survey of the public building needs of the Federal Government.

§ 101–17.202 Priority of projects.

Projects shall be equitably distributed throughout the United States with due regard for the comparative urgency of the need for each project as determined by the Administrator of General Services.

§ 101–17.203 Approval of projects.

(a) All projects, other than Postal Modernization Fund projects, for the construction of buildings involving an expenditure in excess of $100,000 and all projects for the alteration of buildings involving an expenditure in excess of $200,000 shall require approval by the Committees on Public Works of the Senate and House of Representatives.

(b) Federal agencies identifying a need for construction or alteration of a public building shall provide the necessary information, including description of the work, location, estimated maximum cost, and justification to the Administrator of General Services.

(c) The Administrator of General Services shall submit prospectuses for approval of projects to the Committees on Public Works of the Congress.

§ 101–17.204 Cooperation and assistance of Federal agencies.

(a) Federal agencies shall advise and cooperate in the compilation of information supporting a project. Such information shall include, but not be limited to:

(1) A statement of net space occupied in public buildings by the Federal agency in the community for which the project is intended, together with an itemization of area in square feet allocated to each specific agency function.

(2) A firm statement of entire space and facility requirements.

(3) Detailed information on space requiring special structural or mechanical facilities. Special use facilities for special purpose needs such as built-in and fixed equipment for laboratory, clinical, and other special use purposes must be incorporated into the project prior to submission of the prospectus.

(4) Locations where space should be retained in preference to inclusion in the proposed project shall be identified.

(b) Space requirements shall be based on currently authorized personnel and program activities including information on major changes anticipated within the next five years.

(c) Requested information shall be submitted within sixty days of the receipt of a request for such information.

(d) Agencies will not be permitted to make changes in approved space layout drawings submitted to GSA for new buildings, following established terminal dates, except where subsequent unusual and compelling agency developments make changes necessary. Requests for such changes will be submitted, over the signature of the head of the department or agency, to the Administrator of General Services for consideration.

Subpart 101–17.3—Alteration Projects

§ 101–17.301 Emergency alteration projects.

Necessary measures to insure the immediate protection of personnel and facilities and for the preservation of life and the avoidance of further property damage may be taken in an emergency prior to the submission of an alteration project prospectus.

§ 101–17.302 Prospectuses for reimbursable alteration projects.

Reimbursable alteration project prospectuses will be prepared on an "as requested" basis. A project which is to be financed in whole or in part from funds appropriated to the requesting agency may be performed without the approval of the committees when the agency appropriation from which payment is to be made is certified by that agency to be available without regard to the provisions of section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) and the GSA's portion of the estimated cost, if any, does not exceed $200,000.

§ 101–17.303 Prospectuses for joint alteration projects with the Post Office Department.

Postal Modernization Fund projects are exempted from the operation of the Public Buildings Act of 1959 (40 U.S.C. 601–615). Therefore, no prospectuses are required for elements of costs financed from the Postal Modernization Fund. However, a prospectus will be required when GSA's portion of a joint alteration project is in excess of $200,000.

Subpart 101–17.4—Construction Projects

§ 101–17.401 Contracting for construction.

Contracting for construction services by GSA will be in accordance with Chapter 1 (FPR) and Chapter 5 (GSPR) of this title. The method used will be that most advantageous to the Government.

§ 101–17.402 Architectural and engineering services.

(a) GSA will develop or acquire, by contract, designs and specifications for suitable buildings that will provide space that can be economically utilized and operated, and which are in harmony with surrounding structures in the community.

(b) The contract services of qualified private architects or engineers will be utilized to the fullest extent compatible with the public interest in the performance of architectural or engineering services in connection with the preparation of drawings and specifications for GSA construction projects.

(c) GSA may authorize an agency to contract for professional engineering, architectural, and landscape architectural services for any public building as described in § 1–3.204.

Subpart 101–17.5—Delegation of Authority

§ 101–17.501 Conditions justifying delegation.

The Administrator of General Services may delegate the performance of work on construction projects to the appropriate executive agency upon his determination that it will promote efficiency and economy. The performance of work on construction projects costing not more than $100,000 will, upon request, be delegated to the appropriate executive agency.

§ 101–17.502 Exercise of delegation.

Delegated work shall be performed according to standards established by the Administrator of General Services. No such delegation of authority shall exempt the person to whom it is made, or the exercise of such authority, from any provision of the Public Buildings Act of 1959 (40 U.S.C. 601–615).

Subpart 101–17.6—Funding Projects

§ 101–17.601 GSA funding responsibility.

(a) Projects for the construction or alteration of public buildings for which the Administrator of General Services is responsible will be financed by direct appropriation of funds requested under the regular appropriations.

(b) When exigencies warrant, the Administrator of General Services may consider the submission of supplemental requests for funds for special projects.

§ 101–17.602 Other agencies funding responsibilities.

(a) A department or agency may request an appropriation to cover the cost of the construction or acquisition of a single occupancy facility when the Administrator of General Services has secured the approval thereof and when the Administrator concurs with the request and it has been approved by the Bureau of the Budget. The construction or acquisition of the facility shall be performed by GSA.

(b) GSA shall, upon the request of a department or agency, construct, alter, or acquire buildings other than public buildings as defined in § 101–17.101–6 which are normally financed by agencies other than GSA upon condition that funds to cover the cost of the work shall be transferred or reimbursement made.

(c) Each Federal agency shall be responsible for the financing of special use facilities not contemplated in the approved project.

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

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101–26.505 Purchase of furniture and furnishings.
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101–26.505–6 Submission of purchase authorities.
101–26.505–7 GSA assistance in selection of available furniture and furnishings.

Subpart 101–26.6—Procurement Sources Other Than GSA

Sec.
101–26.601 Purchase of blind-made products and products manufactured by the Federal Prison Industries, Inc.
101–26.602 Purchase of lubricating oils.
101–26.602–1 Applicability.
101–26.602–2 Procurement requirements.

Subparts 101–26.7—101–26.48 [Reserved]

Subpart 101–26.49—Illustrations of Forms

101–26.4902–211 GSA Form 211: Estimated Gasoline Requirements.
101–26.4092–212 GSA Form 212: Estimated Kerosene and Fuel Oil Requirements.
101–26.4902–213 GSA Form 213: Estimated Solvent Requirements.
101–26.4902–222 GSA Form 222: Estimated Requirements for Coal.
101–26.4902–457 GSA Form 457: Request for Federal Supply Schedules and Contractors' Catalogs (Including Pricelists).
101–26.4902–1398 GSA Form 1398: Motor vehicle purchase and inspection label.
101–26.4902–1718 GSA Form 1718 (Multicarboned): Unsatisfactory Equipment Report.
101–26.4902–1781 GSA Form 1781: Motor Vehicle Requisition/Code Sheet.
101–26.4903 FSS forms.
101–26.4903–195 FSS Form 195: Instructions to Consignee Receiving New Motor Vehicles Purchased by GSA.

AUTHORITY: The provisions of this Part 101–26 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–26.000 Scope of part.

(a) This part sets forth policies and procedures regarding the procurement of personal property and nonpersonal services from or through Federal agencies and from non-Federal agencies established as sources of supply.

(b) The extent to which the sources of supply are to be used by Government agencies is prescribed. However, items of new office furniture, new office machines, and office supplies to be used by the Department of Defense shall be obtained as set forth in the implementation of interagency purchase assignment agreements between that agency and GSA.

(c) Included as eligible to buy from GSA sources are certain civilian and military commissaries and nonappropriated fund activities, generally buying for their own use but not for resale, except as authorized by the individual Federal agency and concurred in by GSA. Subject to the basic policy requirements set forth in Subpart 1–5.9, Federal agencies may authorize Government contractors to utilize GSA supply sources.

Subpart 101–26.1—General

§ 101–26.101 First source of supply; excess personal property.

The first source of supply is excess personal property, which should be utilized by agencies to the fullest extent practicable, as prescribed in Part 101–43.

§ 101–26.102 Special buying services.

§ 101–26.102–1 General.

(a) In addition to the procurement sources specified in this Part 101–26, GSA, through facilities at its Central Office and regional office locations, will, upon request, perform additional purchasing services.

(b) Any Federal agency, mixed-ownership corporation, the municipal government of the District of Columbia, the Senate, the House of Representatives, or the Architect of the Capitol, and any non-Federal agency, when the function of a Federal agency authorized to procure for it is transferred to GSA, may arrange for these special buying services to be performed by the GSA on either a national or regional basis.

§ 101–26.102–2 Utilization by military agencies.

Military activities shall utilize the buying services of GSA when:

(a) GSA has agreed with the Secretary of Defense, or with the Secretary of a military department in connection with the requirements of that department, to perform such buying services; and

(b) The items involved are not properly obtainable from GSA supply depots or Federal Supply Schedules.

§ 101–26.103 Payments to the General Supply Fund.

Agencies obtaining supplies and nonpersonal services from GSA regional offices, which GSA procures through the General Supply Fund, shall provide for payment by one of the following methods:

(a) *Advance of funds; insufficient capital.* (1) Whenever GSA determines that the capital in the General Supply Fund is insufficient to finance the supplies and services to be requisitioned by an agency, the interested agency will be advised of the amount required to be deposited to the credit of the General Supply Fund. However, advances may be required also on a blanket basis for the financing of requirements of a particular agency or agencies for a designated period of time, depending upon the volume of purchasing in relation to the capital of the General Supply Fund.

(2) When the amount to be advanced has been determined, GSA will bill the requisitioning agency by means of Standard Form 1080, accompanied where appropriate by Standard Form 1081, in accordance with General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 7, Chapter 4000. Upon receipt in the agency, these documents will be completed, certified, and forwarded to the appropriate disbursing officer for payment.

(b) *Advance of funds; mutual agreement.* Whenever circumstances are such that the financing of transactions through the General Supply Fund by means of an advance is advantageous, even though the capital of the fund is adequate, the agency concerned and GSA may mutually agree to such financing of the transactions. In these circumstances, the procedures for effecting payment may be set forth in a memorandum of agreement.

(c) *Direct payment to contractors.* When arrangements have not been made for advance payments, the requisitioning agency may, by agreement or request, elect to make direct payment to the contractor for the items procured under the provisions of § 101–26.102.

(d) *Payment in absence of advances.* (1) In those cases where arrangements have not been made for advance payments or direct payment to the contractor, GSA will bill the requisitioning agency and the requisitioning agency will pay GSA in accordance with the provisions of General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 7, Chapter 4200.

(2) GSA renders General Supply Fund billings on a semimonthly basis, and requisitioning agencies are urged to adopt a policy of processing payments promptly on the basis of constructive receipt, as provided by General Accounting Office. Since GSA does not issue General Supply Fund billings until materials are shipped or service provided, such billings may be construed as constructive evidence of receipt and shall be sufficient

to establish liability and make payment accordingly.

§ 101–26.104 End-of-year submission of purchase documents for action by GSA.

Purchase orders or requisitions submitted at the close of each fiscal year shall reflect actual agency requirements, and shall not be used as a means of exhausting appropriation balances. Each office submitting purchase orders or requisitions covering articles of equipment or supplies for processing by GSA which are chargeable to appropriations expiring on June 30 of each year shall observe the following:

(a) *When procurement from or through GSA is mandatory.* When an agency is required by law or regulation (including GSA regulations) to place orders with GSA for stores stock items or for other than stock items, such an order may be recorded as an obligation of the ordering agency at the time the order is issued. This includes orders which are required to be placed with GSA in accordance with the maximum order limitation of Federal Supply Schedules. An order is not to be regarded as issued as long as it remains within the control of the issuing agency.

(b) *When procurement from or through GSA is optional.* (1) Orders placed with GSA on an optional basis covering items listed in the current edition of the GSA Stores Stock Catalog may be treated as obligations of the ordering agency at the time the order is issued provided both of the following conditions are met:

(i) Such order shall comply with the general rule that the materials, supplies, or equipment ordered are intended to meet a bona fide need of the fiscal year in which the need arises or to replace stock used in that fiscal year.

(ii) The order must be firm, complete, and request prompt delivery.

(2) Orders placed with GSA on an optional basis covering articles or services to be purchased for direct delivery may not be recorded as obligations of the ordering agency until GSA awards a contract for the required articles or services. Such orders should be submitted by May 10, if possible, and in any event not later than June 1, in order to afford sufficient time for the orderly completion of the necessary action before June 30. When such an order is received too late to permit the execution of contracts by June 30, the ordering activity will be notified immediately and requested to furnish instructions as to the action to be taken. Based on these instructions, procurement action will be taken or the order will be returned, without action, to the ordering activity.

Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

§ 101–26.401 Applicability.

§ 101–26.401–1 General.

All executive agencies shall procure needed articles and services from Federal Supply Schedule contracts in accordance with the provisions of the appropriate Federal Supply Schedule. The general principles and methods prescribed in this Subpart 101–26.4 apply to all such procurement. Consequently, prior to initiating procurement directly from commercial sources, agency activities shall determine whether the required item is available from a Federal Supply Schedule. The Federal Supply Schedule Checklist and Guide (see § 101–26.402–4) is a ready reference for such information.

§ 101–26.401–2 Mandatory use of schedules.

(a) Except as stated in § 101–26.401–2(b), Federal Supply Schedules are mandatory, in whole or in part, on at least one element of the executive branch of the Government. For the delivery areas specified, this mandatory coverage may be generally applicable to all executive agencies as in the case of Schedules covering common-use administrative and maintenance type items or, as in the case of newly developed Schedules, may be applicable to only one or a small number of agencies. The Federal Supply Schedule Checklist and Guide provides summary information as to mandatory coverage of each Schedule. However, the particular Schedule involved should be reviewed for complete information concerning any exceptions. In the event of any conflict between the provisions of the Checklist and those of the Schedule, those of the Schedule shall govern. The madatory use of Schedules is applicable as and to the extent provided in §§ 101–26.401–3 and 101–26.401–4.

(b) The Schedule for FSC Groups 25, 28, 29, 38, and 39, Motor-Vehicle Parts and Accessories, is currently issued on a completely optional basis.

§ 101–26.401–3 Primary source of supply concept.

Schedules issued prior to fiscal year 1963 list the agencies subject to mandatory use provisions under the caption "Mandatory Use." That caption is being progressively omitted as new Schedules are issued. Each such Schedule contains a "Scope of Contract" statement in which specific agencies in designated geographic areas required to use the established contracts as "primary sources of supply" are identified. Agencies so identified will, except as provided in § 101–26.401–4, use the Schedule on a mandatory basis and the established contracts will be primary sources of supply for the items involved.

§ 101–26.401–4 Exceptions to mandatory use.

(a) *Delivery requirements.* (1) When the delivery period offered in the Federal Supply Schedule does not meet the delivery requirements of the purchasing activity, use of the Federal Supply Schedule is not mandatory. However, delivery dates shown in Federal Supply Schedules are based upon the average capability of the contractor and are usually conservative. Contractors, in most instances, are able to make delivery within a shorter period of time than the maximum provided in the Schedule. Therefore, when the delivery requirements of the purchasing activity are less than the maximum shown in the Schedule, the contractor should be queried as to whether the delivery requirements can be met. This procedure shall be followed except in those cases where transportation time from the contractor's shipping point or time required for inquiry and reply makes conformance impracticable.

(2) Most Federal Supply Schedule contracts include a provision requiring contractors to reply to agency requests for earlier delivery within three working days, such replies to be made by the same method of communication used by the ordering agency. This contract provision also provides that earlier deliveries offered by contractors and accepted by ordering agencies will be binding on the contractors. Failure to meet maximum Federal Supply Schedule delivery dates (or dates for faster delivery as agreed to by contractors under contracts containing the above-mentioned provision) will constitute a breach of contract and will be treated in accordance with § 101–26.403.

(3) In applying the procedure covered in § 101–26.401–4(a)(1) where contracts do not include the provision referred to in § 101–26.401–4(a)(2) (generally those contracts entered into prior to fiscal year 1963) and the contractor has affirmed his inability to provide earlier delivery, procurement from other sources for delivery within earlier periods than the maximum specified in the Schedule may be made under the "Emergency and Special Requirements" provision of the Schedule. In such cases, an appropriate record justifying the action should be retained.

(b) *Small requirements.* Federal Supply Schedules stipulate dollar amounts or quanitative values below which agencies are not obligated to submit orders and contractors are not obligated to accept orders. In determining applicability of this exception, all requirements which would normally be included in a single order to a contractor must be considered.

(c) *Abnormal requirements.* Federal Supply Schedules stipulate maximum dollar limitations above which agencies may not submit orders and contractors may not accept orders. The maximum limitation varies between Schedules. The value of a single purchase order, or a series of orders placed within a short time, may not exceed this maximum. Each Schedule also contains instructions with respect to methods of procuring abnormal requirements from sources other than the Federal Supply Schedule contract involved.

(d) *Legislative and judicial agencies.* Except as may be provided by law or by authorized agreement with responsible officials of any agency in the legislative or judicial branches of the Federal Government, no Federal Supply Schedule will include any such agency as subject to its mandatory use provisions.

(e) *Geographic location.* Federal Supply Schedules delineate geographic coverage on a national, zone, regional, or other area basis. In determining exceptions on this basis, the location of the activity to which delivery of the articles will be made or the location at which service will be performed governs, and not the location of the agency office which places the order with the contractor.

(f) *Public exigency.* Federal Supply Schedule contracts permit purchase elsewhere, where necessary, in cases of public exigency. Justification in these cases are subject to review by the General Accounting Office. There is no requirement to contact the applicable Federal Supply Schedule contractor in cases of true public exigency prior to purchase elsewhere; however, agency ordering personnel should be alert to situations where proximity of the contractor's production and distribution facilities to agency point of use result in the contractor's facility being an immediate source of supply to meet the exigency.

(g) *Special requirements (similar items).* Each Federal Supply Schedule contract provides for and each Schedule contains a provision permitting procurement elsewhere in cases where the specific articles or services listed in the Schedule will not meet a specified requirement. Agencies procuring from other sources similar items (i.e., those having the same general characteristics and intended use) are required to furnish the GSA office issuing the Schedule a written statement identifying the supplies or services purchased, and explaining why similar items listed in the applicable Federal Supply Schedule would not meet the specific requirements. This statement, signed by an authorized official of the using agency, shall be furnished the GSA office issuing the Schedule within fifteen calendar days after date of the purchase. In determining the applicability of this exception, consideration should also be given to § 1–1.306–1, which covers the use of Federal Standards.

§ 101–26.401–5 Optional use provisions.

(a) Each Federal Supply Schedule contains provisions whereby, in addition to the agencies included under the mandatory use provisions, all agencies and activities of the Federal Government, including the legislative and judicial branches, and other activities for which GSA is authorized by law to procure, may place orders under the Schedule and contractors may accept such orders. This includes those contractors who have been properly authorized, pursuant to Subpart 1–5.9, to use the Federal Supply Schedules. (Also see § 101–26.407.) When a contractor accepts an order tendered under the optional use provision either by written notice, constructive delivery or performance, or failure to return the order within the specified time (usually 3 days after receipt), all provisions of the contract apply with respect to such order.

(b) Agencies not subject to the mandatory use provisions of Federal Supply Schedules are encouraged to use the Schedule contracts as primary sources of supply except in cases where purchasing activities of such agencies have actual knowledge that the purchase can be made more advantageously to the Government from a source other than the Federal Supply Schedule, after allowing for the burdens and cost of a new procurement under applicable prescribed procedures. Purchasing activities should not solicit bids, proposals, quotations, or otherwise test the market solely for the purpose of a comparison of the Federal Supply Schedule prices. Where a procurement from a source of supply other than a Federal Supply Schedule available for optional use indicates that such source might be more advantageous to the Government, as a general source, the name and address of the supplier together with other details of the procurement action should be forwarded to the GSA office issuing the Schedule.

(c) When an executive agency determines that one or more optional use Schedules are suitable for use by the agency as primary sources of supply, the following action should be taken:

(1) Issue administrative regulations instructing its purchasing activities to use the designated Schedules as primary sources of supply subject to any appropriate exceptions that the agency may prescribe in consonance with § 101–26.401–3 and § 101–26.401–4. Copies of such regulations should be furnished to GSA.

(2) Notify the GSA office issuing the Schedule in order that coordinated arrangements may be developed for inclusion of the agency under the mandatory coverage of future reissuances of the Schedule; thus broadening the area of assured agency participation that can be offered prospective contractors to the end that lower prices, earlier deliveries, and better continuity of supply will result.

§ 101–26.402 General.

§ 101–26.402–1 Schedule method of contracting.

(a) The Schedule method of contracting is used, in the best interest of the Government, to simplify the purchase processes for commonly used items which are readily available through the distribution systems of the respective industries without the necessity of definite quantity consolidated buying or handling through a Government warehouse system. Federal Supply Schedule contracts are entered into and Schedules thereof are prepared and issued by, or under assignment from, GSA on a national, zone, regional, or other area basis, and are supervised by or under the general direction of GSA.

(b) When a Federal Supply Schedule is assigned to another executive agency for preparation and issue, appropriate notification of the assignment will be given to all agencies. Accordingly, the term "GSA office issuing the Schedule" or similar terminology as used in this Subpart 101–26.4 shall be deemed to include the office of another executive agency identified in the Schedule involved as the preparing office.

§ 101–26.402–2 Service features.

(a) Federal Supply Schedules are published in catalog style and list under major commodity classifications the articles or services available from the contractors named therein. Some Schedules involve the use of the contractors' catalogs and pricelists and specify the extent to which such catalogs and pricelists are applicable. Notices of changes in Schedules and in the applicability of catalogs and pricelists are furnished all agency offices receiving the Schedule.

(b) Federal Supply Schedules specify that agencies of the Federal Government must or may, as applicable, issue purchase orders direct to contractors listed in the Schedule; receive and inspect the shipment; and make payment direct to such contractors without referring the transaction to GSA. The contracts provide for appropriate action in the event of delinquency or default on the part of any contractor.

§ 101–26.402–3 Distribution.

(a) Agency offices desiring to receive current copies and to be placed on dis-

tribution lists for receiving Federal Supply Schedules and contractors' catalogs should execute and submit GSA Form 457, Request for Federal Supply Schedules and Contractorr' Catalogs (Including Pricelists) (see § 101–26.4902–457). Copies of GSA Form 457 may be obtained from GSA regional offices and are included annually in issues of the Federal Supply Schedule Checklist and Guide.

(b) From time to time, GSA regional offices will request information from agency offices in their respective areas for use in maintaining up-to-date distribution lists.

§ 101–26.402–4 Checklist and Guide.

The Federal Supply Schedule Checklist and Guide, issued quarterly, contains a listing of all current Schedules and information pertinent thereto, together with the distribution code number for each Schedule and catalog. Accordingly, agency offices should consult the latest edition of the Checklist and Guide before submitting requests for Schedules and catalogs as provided in § 101–26.402–3.

§ 101–26.402–5 Contract provisions.

(a) Each Federal Supply Schedule provides information as to the contractual provisions with which agencies should be familiar in order to properly administer orders placed with contractors.

(b) Standard Form 32, General Provisions (Supply Contract) (§ 1–16.901–32), is progressively being incorporated in Federal Supply Schedule contracts thus promoting uniformity of understanding and ease of reference on the part of agency procurement personnel. Additional general provisions that have been standardized by GSA for use in all Federal Supply Schedule contracts are incorporated in the Federal Supply Schedule Checklist and Guide. A "Scope of Contract" statement (see § 101–26.401–3), special provisions pertinent to a particular Schedule, and any necessary exceptions to the general provisions are printed in the Schedule.

§ 101–26.403 Performance and default under Federal Supply Schedule contracts.

§ 101–26.403–1 Responsibilities.

While GSA awards Federal Supply Schedule contracts and exercises general supervision over such contracts, it is the responsibility of agencies whose requirements are included in the contracts to place orders with contractors, make payment, and, in the first instance, determine whether performance meets the contract terms. Agencies whose orders are accepted by the contractor pursuant to the optional use provision have like responsibilities. Subject to the provisions of the contracts and the conditions stated in this Subpart 101–26.4, ordering offices should deal directly with contractors concerning their performance of the contract terms, and should accept or reject the supplies or services, make price adjustments for nonconforming supplies or services, or seek replacements, and, in case of default, terminate purchase orders, purchase from other sources, and charge contractors with resulting excess costs. In certain instances, Federal Supply Schedule contracts will provide for inspection at source, prior to shipment, by GSA. When the Federal Supply Schedule states that source inspection will be provided by GSA, ordering offices are relieved of dealing directly with contractors concerning specification compliance and acceptance or rejection of the supplies or services.

§ 101–26.403–2 Inspection.

(a) *Acceptance inspection.* (1) Acceptance inspection of supplies and services is necessary to assure compliance with the applicable specifications and other contractual requirements. Unless a particular Federal Supply Schedule specifically provides for source inspection by GSA, arrangements for inspection shall be the responsibility of the ordering agency. When assistance in inspection is desired, or the Federal Supply Schedule provides for source inspection by GSA, the ordering agency shall furnish two copies of the purchase order to the Chief, Quality Control Division, Federal Supply Service, at the GSA regional office serving the area where the plant is located or from which shipments are made. The purchase order shall indicate that inspection shall be performed at source, prior to shipment, by the Quality Control Division of the appropriate GSA regional office. In determining the need for assistance in inspection, when a Federal Supply Schedule does not provide for source inspection, the ordering agency shall consider the volume of the procurement, complexity of the items, and the past performance of the supplier.

(2) A copy of the GSA Form 308, Notice of Inspection, executed by the GSA Quality Control representative, will inform other than military consignees of acceptance and/or rejection determination. DD Form 250, Department of Defense Materiel Inspection and Receiving Report, will be used to inform military consignees of acceptance determination, and GSA Form 308, Notice of Inspection, will be used to inform the military consignees of rejection determination.

(3) Material which has been inspected by GSA and determined to be in compliance with specifications and technical contract requirements (quality inspection) shall not be reinspected by another agency for that purpose. Examination of delivery shall be limited to determination of quantity and condition upon receipt by consignee.

(b) *Nonconforming supplies or services.* (1) The ordering agency shall report to the GSA office executing the contract all significant instances where nonconforming supplies and services are received. Ordering officers have the right either to reject supplies defective in material or workmanship, or otherwise not in conformity with contract requirements, or to require their removal for correction or correction in place, by and at the expense of the contractor. Ordering offices may accept nonconforming supplies and services, and pay therefor at a proper reduction in price in accordance with the contract provisions, or may terminate the right of the contractor to proceed further under the purchase order. Unless the contractor corrects or replaces supplies within the delivery schedule, the ordering office may declare the contractor in default and purchase the supplies elsewhere against the contractor's account.

(2) When supplies have been inspected and rejected at source by GSA and replacement or correction will not be made by the contractor, the notice of rejection will so inform the ordering agency. The notice will contain appropriate recommendations regarding acceptance at a proper reduction in price or termination of the contractor's right to proceed and purchase elsewhere in accordance with § 101–26.403–5.

§ 101–26.403–3 Delinquent performance.

Where the contractor fails to perform in accordance with the provisions of the contract, ordering offices may afford a further opportunity to perform or terminate the right of the contractor to proceed further under the purchase order, declare the contractor in default on the order, and purchase elsewhere against his account. Should the contractor allege that the failure in performance was due to an excusable cause precluding assessment of excess costs under the provisions of the contract, the GSA office executing the Schedule contract shall be notified promptly. In the absence of a decision by the contracting officer executing the contract, or by the Administrator, or his duly authorized representative, on appeal, pursuant to such notice that the failure is excusable, the ordering office is free to charge against the contractor any excess cost resulting from the default. When the ordering office is aware that the defaulting contractor has alleged the failure to be excusable, it may elect to postpone the assessment of excess costs until a decision is made in order to avoid unnecessary accounting actions.

§ 101–26.403–4 Disputes.

All disputes concerning questions of fact arising under the contract which cannot be settled satisfactorily between the ordering office and the contractor shall be decided by the GSA contracting officer or by the Administrator, or his duly authorized representative, on appeal.

§ 101–26.403–5 Default; ordering office.

Any ordering office may, in respect to any one or more purchase orders placed by it under a contract, declare the contractor in default in accordance with the applicable contract provisions. However, before declaring a contractor in default, it is suggested that ordering offices should ordinarily notify the contractor in writing that unless satisfactory performance occurs within a specified time, which should allow a reasonable time for performance, the ordering office will terminate his right to

proceed further under the purchase order and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. Such notice would not ordinarily be given when the default involves an attempted fraud on the United States, or when it would be obviously futile as, for example, when the contractor has already declined to perform. Where excess costs are anticipated, the ordering office may likewise withhold sufficient funds otherwise due the contractor as offset security. Ordering offices shall endeavor to minimize excess costs to be charged against the contractor and to collect by check or set off any excess costs owed (see § 1–8.602–6). The GSA office executing the contract shall be notified of all cases where an ordering office has declared a Federal Supply Schedule contractor in default.

§ 101–26.403–6 Default; GSA.

GSA may declare a contractor in default on an overall basis for any or all items covered by the contract, in accordance with the applicable contract provisions, as distinguished from ordering office action on individual orders. When notified of such action by GSA, ordering offices shall thereafter refuse to accept further performance by the contractor, shall not place further purchase orders with him, and shall purchase against the account of the contractor from replacing contractors designated by GSA, or in such other manner as directed by GSA.

§ 101–26.403–7 Failure to collect excess costs.

Ordering offices shall report to the GSA office executing the Federal Supply Schedule contract involved those instances where they have been unsuccessful in collecting excess costs which have accrued against a defaulting contractor. Reports shall be made within sixty days from date of final payment to the new contractor from whom the replacement purchase was made and may be in letter form. Such reports shall provide complete information so as to identify properly the transaction and furnish necessary data, such as the name of the defaulting contractor, contract number, item number and description, Schedule price, and the amount of excess costs to be collected. In addition, complete information shall be reported concerning the supplier from whom substitute purchase was made, such as the name of the supplier, purchase price, order number or numbers on which payment was made, and contract number, if any. The GSA office will consolidate such data as reported and, in the absence of an available offset in that office, will submit such data through channels to the General Accounting Office for collection.

§ 101–26.404 Submission of requirements of gasoline, fuel oil (diesel and burner), kerosene, and solvents.

§ 101–26.404–1 General.

(a) Requirements of all executive agencies, except the Department of Defense, for the items described in § 101–26.404–2, exclusive of liquid fuels for marine use and burner fuel oil obtained from or through the GSA Fuel Yards in Washington, D.C., to be delivered within the continental United States (excluding Alaska), shall be submitted to GSA in order to enter into Federal Supply Schedule contracts for such items. Requirements for liquid fuels for marine use by all Federal agencies will be submitted to the Defense Fuels Supply Center, Washington, D.C., 20305, in accordance with instructions of that Office. Estimates of requirements should be based on previous records of consumption whenever available. In the case of new delivery points, consumption records of similar installations may be used as guides. Any other Federal agency may also submit its requirements for the items covered by § 101–26.404–2 and such requirements will be included in the solicitation of bids and the resulting contracts. Use of Federal Supply Schedule contracts entered into on the basis of requirements submitted shall be mandatory for the consignees covered in the contracts.

(b) Federal Supply Schedules for the items in § 101–26.404–2 are intended to cover agency requirements for bulk deliveries only. Requirements normally filled by service station deliveries will not be included. (See § 101–26.404–3.)

§ 101–26.404–2 Items covered.

(a) *Gasoline*—(1) *Regular and premium.* In accordance with the latest issue of the applicable Federal Specification.

(2) *Unleaded.* In accordance with the latest issue of the applicable Federal Specification.

(b) *Fuel oil, burner.* (1) Grades 1, 2, 4, 5 (light), 5 (heavy), and 6 in accordance with the latest issue of the applicable Federal Specification.

(2) Fuel oils meeting requirements of Pacific Specifications, as published in Bulletin entitled "Fuel Oils (First Edition) Recorded Standard Designations for Pacific Coast Fuel Oils," will be accepted for requirements in the States of Arizona, California, Nevada, Oregon, and Washington in lieu of Federal Grades 1, 2, 4, 5 (light), 5 (heavy), and 6 on the following basis:

(i) Fuel oils meeting Pacific Specification 100 will be accepted for Federal Grade 1.

(ii) Fuel oil meeting Pacific Specification 200 will be accepted for Federal Grade 2.

(iii) Fuel oil meeting Pacific Specification 300 will be accepted for Federal Grades 4 and 5.

(iv) Fuel oil meeting Pacific Specification 400, and also having a viscosity not exceeding 300 seconds Furol at 122° F., will be accepted for Federal Grade 6.

(c) *Fuel oil, diesel.* In accordance with the latest issue of the applicable Federal Specification.

(d) *Kerosene.* In accordance with the latest issue of the applicable Federal Specification.

(e) *Solvents.* In accordance with the latest issue of the applicable Federal Specification.

§ 101–26.404–3 Minimum quantities.

(a) *Single delivery.* The following will be the minimum quantities furnished to any one point on a single delivery:

Delivered in	*Minimum quantity*
Drum	4 drums (200–220 gallons).
Tank wagon	200 gallons.
Transport truck	Full truckload (4,000–7,500 gallons).
Tank car	Full carload (8,000–12,000 gallons).

(b) *Estimated annual requirements.* Estimated annual requirements for any delivery point which total less than the following minimums shall not be submitted:

(1) Gasoline, 2,000 gallons.
(2) Burner fuel oil, 2,000 gallons.
(3) Diesel oil, 2,000 gallons.
(4) Kerosene, 500 gallons.
(5) Solvents, 500 gallons.

§ 101–26.404–4 Instructions for submission of requirements.

(a) Estimates shall be prepared and submitted on the following forms:

(1) GSA Form 211, Estimated Gasoline Requirements (see § 101–26.4902–211); GSA Form 212, Estimated Kerosene and Fuel Oil Requirements (see § 101–26.4902–212); and GSA Form 213, Estimated Solvent Requirements (see § 101–26.4902–213).

(2) A separate requirement form shall be submitted, in original only, for each delivery point.

(b) Contracts will be established by each GSA regional office for requirements to be delivered within its area of supply support. The requirement forms shall be submitted to the GSA regional office serving the area in which the delivery point is located. Each GSA regional office will provide agencies in its area additional instructions for submission of requirements, including deadline dates for receipt thereof.

(c) In the event that annual estimated requirements of specified delivery points are the same as submitted for the previous year, a statement to that effect will suffice. Unless other acceptable arrangements have been made with the GSA regional office concerned, such statement shall list all delivery points whose requirements are unchanged.

§ 101–26.405 Automatic data processing equipment.

(a) Federal Supply Schedule contracts are entered into for the rental, purchase, and maintenance of automatic data processing (ADP) equipment and components. These are negotiated, multiple award contracts. The contracts take into account the multiplicity and complexity of equipment of various manufacturers and the differences in performance required to accomplish or produce required end results. They are designed to provide agencies a wide selection of equipment and services to meet their particular needs.

(b) Policies on selection and acquisition of ADP equipment are contained in Bureau of the Budget Circular No. A–54.

(c) Ordering agencies shall carefully follow the terms and conditions of the appropriate contract as set forth in the Federal Supply Schedule and authorized contractors' pricelists in order to take full advantage of the benefits they provide. Such terms and conditions cover, for example, rental based on machine "use" rather than on machine "availability," requirement that equipment actually perform the programed work for a thirty-day period before any rental is paid, liquidated damages provision applicable if contractor fails either to install the equipment by the specified installation date or to deliver programing aids by the agreed-upon date, time period for notifying a contractor of the discontinuance of a system or an individual machine, rental charges during period of conversion from a machine or system of a particular contractor to another machine or system of the same contractor, and the amount of program testing to be performed.

(d) When arrangements differing from those covered by the Federal Supply Schedule contracts, such as purchasing equipment by competitive bid or competitive negotiation (where adequate specifications can be developed) or renting from equipment leasing companies, can be made by agencies for a portion or all of their ADP equipment requirements at a lower overall cost than provided by the Schedule contracts, advantage should be taken of those special arrangements, coordinating in advance with GSA in the contracting for the requirements.

§ 101–26.406 U.S. Government National Credit Card for use in obtaining service station deliveries and services.

§ 101–26.406–1 General.

Standard Form 149, U.S. Government National Credit Card (see § 101–38.801–2), is authorized for use by Federal agencies for obtaining authorized services and delivery of supplies at service stations dispensing supplies of the contractors listed in Federal Supply Schedule FSC Group 91, Part III.

§ 101–26.406–2 Billing code.

The billing code is a 10-digit number and always is the first embossed line on the Standard Form 149. Nine of the digits are assigned by the using agency in accordance with the following instructions:

(a) The first three digits of the billing code will always be 000 or 002. The digits 002 are special account numbers and may not be used unless authorized by General Services Administration, Federal Supply Service, Procurement Operations Division, Washington, D.C., 20407. These digits signify to the contractors that a Federal contract is involved.

(b) The fourth digit may be used by the agency to designate the vehicle class or for other purposes to meet the agency's requirements. If not used for any such purpose, the fourth digit will be zero.

(c) The fifth and sixth digits will be the Agency Code; except where the first four digits have been assigned to designate the agency, in which case the agency may use the fifth and sixth digits for any purpose desired. Agency codes are shown in Treasury Department booklet "Receipt, Appropriation, and Other Fund Account Symbols and Titles."

(d) The seventh, eighth, and ninth digits indicate the agency billing address code number; except where the first four digits cover the agency, in which case the agency may use the seventh, eighth, and ninth digits for any purpose desired. Each Federal agency will assign its own billing address code numbers when the seventh, eighth, and ninth digits are used for such purpose.

(e) The tenth digit is the reject number for use in automatic billing operations of the contractors. This number is not assigned by the agency but will be determined by the Federal Supply Schedule, FSC Group 75, Part VII, embossing contractor, or by the GSA regional office embossing the card.

§ 101–26.406–3 Billing address.

The billing address is the name of the agency and the address to which contractors should send statements covering the purchases of supplies and services by the user of the Standard Form 149, U.S. Government National Credit Card. The number of lines in the billing address is limited to three, and shall always be the second, third, and fourth embossed lines.

§ 101–26.406–4 Tag or registration number.

The tag or registration number of the vehicle for which the credit card is issued is always the fifth embossed line. A credit card may be used only for supplies or services for the vehicle bearing the tag or registration number embossed thereon.

§ 101–26.406–5 Methods of obtaining Standard Form 149: U.S. Government National Credit Card.

(a) *Orders for 50 or more.* (1) Agency purchase orders for 50 or more of embossed Standard Form 149 shall be forwarded to the embossing contractor as provided in Federal Supply Schedule, FSC Group 75, Part VII.

(2) The embossing contractor will bill ordering agencies directly.

(b) *Requisition for 49 or less.* (1) Agency requisitions for 49 or less of embossed Standard Form 149 shall be forwarded to the Chief, Motor Equipment Division, at the nearest GSA regional office.

(2) Each agency shall furnish the billing code, the billing address, and the tag or registration number for each Standard Form 149 requisitioned. Such information shall accompany the requisition and shall be limited to five lines with twenty-two characters (including spaces) per line.

(3) GSA will bill requisitioning agencies or will accept cash payment.

§ 101–26.406–6 Notice to GSA of assignment of billing codes and billing addresses.

(a) Agencies shall notify GSA of assignment of Standard Form 149 billing codes and billing addresses. Such notices shall be submitted to: General Services Administration, Federal Supply Service, Procurement Operations Division, Washington, D.C., 20407. In the interest of uniformity, it is requested that agencies, in submitting notices, use the following format:

To: General Services Administration
Federal Supply Service
Procurement Operations Division
Washington, D.C. 20407

(Agency, Bureau, Service, or Other Purchasing Activity) has assigned the billing code(s) and billing address(es) as listed below, or attached hereto, to Standard Form 149.

000 147 201
GSA DIR REG FM MP
30 Church Street
New York, N.Y. 10007

----------, *Contracting Officer.*

NOTE: Tag or Registration Number is NOT required.

(b) Once GSA has been officially notified of the assignment of billing codes and billing addresses, the agency may order additional Standard Forms 149 using the same billing code and billing address for additional tag numbers without reporting such use. Changes in billing codes and billing addresses must be furnished GSA so that the contractors furnishing supplies and services may be informed. This is essential for proper control of billing procedures.

§ 101–26.406–7 Government Printing Office waiver.

A waiver has been issued by the Government Printing Office to GSA for the procurement of the printing of the Standard Form 149.

§ 101–26.407 Procurement of security cabinets by Government fixed-price prime contractors.

§ 101–26.407–1 General.

(a) Based on recommendations of the Interdepartmental Committee on Internal Security, it has been determined essential that security cabinets be made available for purchase under Federal Supply Schedule contracts by all Government contractors and subcontractors (at any tier) who are required to maintain custody of security classified records and information under any type of contract or subcontract.

(b) In accordance with section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481), the Administrator of General Services has determined that the purchase of security cabinets under Federal Supply Schedule contracts by Government prime contractors and their subcontractors for the protection of security classified information represents procurement for the "use of executive agencies" under the statute.

§ 101–26.407–2 Applicability.

The provisions of this § 101–26.407 apply only to the purchase of security cabinets under Federal Supply Schedule contracts by fixed-price prime contractors and by first and lower tier subcontractors under any type of contract. They do not apply to the purchase of security cabinets under Federal Supply Schedule contracts by cost-type prime contractors. Such purchases are subject to the requirements of Subpart 1–5.9.

§ 101–26.407–3 Procedure for ordering security cabinets.

(a) Cognizant contracting agencies will arrange to notify their prime contractors and subcontractors who require such cabinets for the protection of security classified information that, subject to the conditions described in § 101–26.407–3 (b) and (c) and in accordance with procedures included in Federal Supply Schedules, they may purchase such cabinets under the applicable Federal Supply Schedule contracts.

(b) Purchases of security cabinets under Federal Supply Schedule contracts by fixed-price prime contractors and subcontractors under either fixed-price or cost-type prime contracts may be made only after written authorization therefor is obtained from the agency having cognizance of the prime contract involved; and the authorization (or a true copy) must be furnished to the Federal Supply Schedule supplier in connection with the placement of orders for such cabinets.

(c) A statement substantially as follows should be placed on orders for security cabinets placed with Federal Supply Schedule contractors:

> In the event of any inconsistency between the terms and conditions of this order and those of your Federal Supply Schedule contract, the latter will govern.

§ 101–26.407–4 Use and disposal of security cabinets.

Security cabinets purchased in accordance with this § 101–26.407 shall be used as prescribed by the cognizant contracting agency and may not be disposed of without its express approval.

Subpart 101–26.5—GSA Procurement Programs

§ 101–26.501 Purchase of new motor vehicles.

§ 101–26.501–1 Applicability.

(a) All executive agencies, except the Department of Defense, within the United States shall procure through GSA their requirements for the following new motor vehicles for the carriage of passengers and freight: passenger automobiles, station wagons, carryalls, ambulances, buses, motorcycles, motor scooters, trucks of less than 25,000 pounds gross vehicle weight, and trailers of not less than 5 tons and not more than 12 tons payload.

(b) Other Federal agencies may participate in the purchase program covered by this section on an optional basis and are encouraged to do so.

(c) Upon request of an agency, GSA also will procure any new motor vehicle not included in the above classifications.

§ 101–26.501–2 Consolidated purchase program.

(a) *General.* As a result of studies conducted by GSA, it has been determined that the lowest prices can be obtained for motor vehicles by (1) standardizing vehicle types which will provide adequate service for the intended use, and (2) procuring twice a year on a volume basis, insofar as possible, to meet consolidated agency requirements for those vehicle types.

(b) *Federal standard.* Federal Standard No. 122, covering automobiles, station wagons, and certain light trucks, limits procurement to the vehicle types and appurtenances contained therein. The use of Federal standards is prescribed in § 1–1.306–1. A description of each vehicle type is shown in the Federal standard. (As used in this § 101–26.501, the term "Federal Standard No. 122" shall be deemed to include reference to the current revision of such standard.)

(c) *Consolidation of agency requirements.* (1) Experience has shown that with respect to automobiles, station wagons, and certain light trucks, lowest prices are offered to the Government during the latter part of a calendar year providing for delivery during the early part of the next calendar year. In order to take advantage of this situation, GSA will make a first volume procurement of the vehicle types set forth in Federal Standard No. 122, based on purchase authorities submitted as early as practicable after July 1 but not later than October 15. To obtain the maximum benefits from such a program, approximately 75 percent of an agency's total annual requirements for Federal Standard No. 122 vehicles should be included in the first volume procurement.

(2) A second volume procurement will be made to cover, insofar as practicable, the balance of agencies' total annual requirements for Federal Standard No. 122 vehicles not included in the first volume procurement. The second volume procurement will be based on purchase authorities for such vehicles submitted as early as practicable after February 1 but not later than March 31.

(3) Agency requirements for those categories of vehicles covered by Federal Standard No. 122 which cannot be submitted in accordance with § 101–26.501–2(c) (1) and (2) due to operating needs, budgetary considerations, or other factors will be received and consolidated on a monthly basis in accordance with § 101–26.501–4(b).

(4) Agency requirements for those categories of vehicles not covered by Federal Standard No. 122 will be consolidated on a monthly basis in accordance with § 101–26.501–4(b).

§ 101–26.501–3 Submission of purchase authorities.

(a) Purchase authorities shall be submitted to the General Services Administration, Federal Supply Service, Office of Procurement, Procurement Operations Division, Washington, D.C., 20407, and must contain consignment and shipping instructions and names and addresses of persons to receive purchase documents if different from consignees.

(b) In addition, purchase authorities covering vehicle types not included in Federal Standard No. 122 must contain complete descriptions of the vehicles required.

(c) GSA Form 1781, Motor Vehicle Requisition/Code Sheet (illustrated at § 101–26.4902–1781) has been specifically designed for agency use to expedite ordering of vehicles covered by Federal Standard No. 122.

(1) It contains a brief description of all available units equipped as provided

in that standard. Each unit is identified on the form by an item number which corresponds to a like number in the standard. The ordering agency needs merely to select the vehicle desired from the complete description available in the standard and place an "x" in the space provided opposite the corresponding number on GSA Form 1781. This single item number becomes the vehicle code which will be used to identify the requirement through all stages of the procurement and distribution process.

(2) Agencies are requested to use the GSA Form 1781, Motor Vehicle Requisition/Code Sheet, as a "single-line-item requisition" for standard-type vehicles. Submission of GSA Form 1781, properly completed, will satisfy the requirements regarding submission of purchase authorities as set forth in § 101–26.501–3(a). If it is not feasible to accomplish the GSA Form 1781 as a purchase authority, agencies may prepare the form as an attachment code-sheet, identifying each line item on their purchase authorities. Whether accomplished as a purchase authority, or attachment thereto, the GSA Form 1781 permits agencies to eliminate lengthy vehicle descriptions. Instructions for preparation of GSA Form 1781 are printed on the reverse of the form.

(3) Supplies of GSA Form 1781 may be obtained without charge from the Administrative Services Division of the nearest GSA regional office, except in GSA Region 3 they are to be obtained from the Printing and Publications Division.

(d) Each purchase authority shall indicate the appropriation to be charged and must be signed by an officer authorized to obligate appropriated funds.

(e) Requisitioning agencies shall not combine more than one vehicle category in any one purchase authority.

§ 101–26.501–4 Procurement time schedules.

(a) *Volume consolidated purchases.* Purchase authorities covering vehicle types included in Federal Standard No. 122 which are received between July 1 and October 15 and between February 1 and March 31 will be consolidated for purchase in the first volume procurement and the second volume procurement, respectively, unless a statement justifying the need for an earlier delivery date is included. Purchase authorities containing such a statement of justification will be handled on a monthly basis in accordance with (b) or (c) of this § 101–26.501–4, depending on the urgency contained in the justification.

TIME SCHEDULE

Vehicle category	*Volume consolidation dates*
Automobiles; station wagons; and trucks of types covered by Federal Standard No. 122.	October 15 and March 31.

(b) *Monthly consolidated purchase.* (1) Requirements for vehicles not included in volume procurements must be received by GSA for consolidation by the dates indicated in the schedule set forth below in this § 101–26.501–4(b)(1). Requirements received after these dates will be carried over to the following month's purchase. In the interest of timely and orderly preparation of invitations for bids, ordering agencies are urged to submit each requirement as soon as finalized rather than hold for submission with later requirements. Such requisitions need not specify a delivery date since delivery will be in accordance with delivery schedule shown in § 101–26.501–5. Requests for special handling of other than strictly emergency requirements shall not be submitted.

TIME SCHEDULE

Vehicle category	*Monthly consolidation date*
(i) Automobiles; station wagons; and trucks of types covered by Federal Standard No. 122.	10th of each month.
(ii) Passenger carrying vehicles; light trucks of types not covered by Federal Standard No. 122; ambulances; motorcycles; and motor scooters.	20th of each month.
(iii) Buses; trucks (other than light trucks in category (ii), above) of less than 25,000 pounds gross vehicle weight; and trailers of not less than 5 tons and not more than 12 tons payload.	Last day of each month.
(iv) All other categories and types of vehicles.	Last day of each month except June.

(2) Bid invitations issued in June for the consolidated purchase of vehicles in categories (i), (ii), and (iii) of § 101–26.501–4(b)(1) will cover only the requirements of those executive agencies whose orders are required to be placed with GSA. (Purchase authorities shall be submitted to GSA as provided in § 101–26.104. Submission of requirements for vehicles in categories (i), (ii), and (iii) is mandatory to the extent provided in § 101–26.501–1.)

(3) With respect to categories (i) and (ii) of § 101–26.501–4(b)(1), no assurance can be given as to price and time of delivery of vehicles on which purchase authorities are received by GSA after the 15th of April. This is because of industry practice of closing out the production of the current year's model in late May, June, and July, and retooling for new models. Agencies should bear this in mind when programing their last quarter requirements.

(c) *Emergency requirements.* In the case of an emergency requirement, special handling will be made provided such cases are accompanied by adequate justification for individual purchase action. Delivery will be made in accordance with the delivery date specified in the purchase authority.

§ 101–26.501–5 Delivery of vehicles.

(a) *Monthly consolidated purchases.* (1) Bid opening dates normally will be from 30 to 40 days after the date shown in § 101–26.501–4. Delivery will normally range from approximately 60 to 90 days after the bid opening date depending on the type of vehicle.

(2) As a further means of reducing the overall time required between the date agency requirements originate and the date the vehicles are delivered, agencies are requested to reduce, to the extent practicable, the time required to process purchase authorities and obtain necessary administrative approvals prior to submission to GSA.

(b) *Volume consolidated purchases.* (1) Bids will be opened at a date to permit awards to be made for delivery in February, March, and April, for the October 15 cutoff date and July and August for the March 31 cutoff date as established in § 101–26.501–4.

(2) GSA will make every effort to reduce the time required to take purchase action and effect delivery.

§ 101–26.501–6 Forms used in connection with delivery of vehicles.

(a) *General.* The forms described in § 101–26.501–6(b) contain instructions to consignees relative to such as inspection, receiving reports, corrective action, and the reporting of deficiencies.

(b) *Forms described.*—(1) *FSS Form 195, Instructions to Consignee Receiving New Motor Vehicles Purchased by GSA.* These instructions, a copy of which is attached to the consignee copy of the GSA purchase order for the vehicle and a copy of which accompanies the vehicle to its destination, advise the consignee relative to (i) inspection and receipt; (ii) corrective action to be taken in the event of damage, abuse, or missing equipment; (iii) applicable warranty contract clause; and (iv) precautionary measures to be taken prior to use of the vehicle. The form is illustrated at § 101–26.4903–195.

(2) *GSA Form 1398, motor vehicle purchase and inspection label.* The contractor is required to perform preshipment inspection and servicing of each vehicle; to complete the label, GSA Form 1398 (see § 101–26.4902–1398); and to affix the label to the right side of the dash. The label, which bears the date of final checkout of vehicle by the manufacturer and signature of plant inspector authorizing release of vehicle, should remain in place during life of the warranty to permit prompt identification of vehicles requiring dealer repair pursuant to such warranty.

(3) *GSA Form 1718, Unsatisfactory Equipment Report.* (i) GSA is constantly striving to improve customer service and the quality of motor vehicles for which it contracts. In order for GSA to inform contractors of the deficiencies that are noted during the life of the vehicles, GSA Form 1718 (illustrated at § 101–26.4902–1718) should be prepared and sent to GSA describing details of vehicle deficiency and action taken for correction. Agencies are urged to report all deficiencies to GSA irrespective of satisfactory corrective action by the manufacturer's authorized dealer. If the dealer refuses to take corrective action on any vehicle within its warranty period, the report should so state and include an explanation of the circumstances. GSA Form 1718 should also be used to report all noncompliance with specifications or other requirements of the purchase order.

(ii) Supplies of GSA Form 1718 may be obtained from the Administrative Services Division of the nearest GSA regional office, except in GSA Region 3 supplies of the form are to be obtained from the Printing and Publications Division.

(c) *Action requested.* These forms should be brought to the attention of all departmental and field officials who have responsibilities in connection with receipt of motor vehicles purchased through the GSA motor vehicle purchase program.

§ 101–26.501–7 Sale of vehicles.

GSA will not solicit trade-in bids when purchasing new motor vehicles under the consolidated purchase program because experience has shown that suppliers (manufacturers) are unwilling to accept used vehicles in part payment for new ones. Accordingly, executive agencies desiring to apply the proceeds from the sale of used vehicles to the purchase of new ones may sell the used vehicles or request GSA to sell them, as provided in Subpart 101–43.2 and § 101–45.307–7.

§ 101–26.502 Purchase of water coolers (dispensers).

§ 101–26.502–1 Submission of purchase authorities.

(a) Executive agencies shall submit requests to GSA in obtaining their requirements, for land use in the United States, of water coolers (dispensers) of the types covered in § 101–26.502–2. The requests shall be submitted to the GSA regional office serving the agency point of delivery.

(b) Purchase authorities submitted for other than GSA Stores Stock Catalog items shall be complete as to type, size, description, and electrical current characteristics (AC or DC, phase, voltage, and cycles), and shall also include required delivery date, consignment and shipping instructions, and other pertinent information.

(c) Orders received for water coolers (dispensers) listed in the current GSA Stores Stock Catalog will be filled by issue from stock unless the GSA regional office receiving the order determines that direct delivery would be more advantageous to the Government, price and other factors considered.

§ 101–26.502–2 Types of water coolers (dispensers).

(a) Requests for only standard models of the following coolers, manufactured and sold with satisfactory results to the public generally, which meet the provisions of the latest issue in effect of Federal Specification 00–D–566 shall be submitted, except as provided in § 101–26.502–2(b):

(1) Bubbler Style (Type I, air-cooled; Type II, water-cooled) sizes 10 and 20.

(2) Cafeteria Style (Type III, air-cooled; Type IV, water-cooled) sizes 20 and 30.

(3) Remote Style (Type V, water-cooled) sizes 10, 20, and 30.

(4) Bottle Style (Type VI, air-cooled) size 3.

(b) Coolers to be manufactured of particular materials specified by a requisitioning agency shall be requested only when the need for such coolers (dispensers) is adequately justified.

§ 101–26.503 Purchase of new refrigerators.

§ 101–26.503–1 Scope.

This section prescribes the methods to be used by all executive agencies, except the Department of Defense, the United States Maritime Commission, the Canal Zone Government, the Housing and Home Finance Agency, and the Public Health Service of the Department of Health, Education, and Welfare, in obtaining their requirements, for use in the continental United States (including Alaska), of new refrigerators of the types covered in § 101–26.503–2.

§ 101–26.503–2 Types of refrigerators.

This section applies to all portable commercial and household refrigerators (exclusive of gas-operated refrigerators 4 cubic feet and under) and low temperature storage cabinets with self-contained electric or gas units in conformance with applicable Federal Specifications or specifications furnished by the requisitioning agency when the requirement is not covered by a Federal Specification.

§ 101–26.503–3 Submission of purchase authorities.

Agencies shall submit purchase authorities for their requirements of the applicable items to the GSA regional office serving the agency point of delivery. Purchase authorities submitted shall be complete as to specification requirements referenced in § 101–26.503–2, time or times when deliveries are required, consignment and shipping instructions, and other pertinent information.

§ 101–26.504 Purchase of coal.

§ 101–26.504–1 General.

(a) Federal agencies desiring to participate in the GSA coal contracting program for carload delivery outside the District of Columbia and vicinity, may obtain coal through this program by submitting estimates as provided in § 101–26.504–2.

(b) Each participating agency will be furnished the necessary contractual information after contracts are awarded. As shipments are required, each agency shall direct the contractor to make delivery. Payment for deliveries shall be made by the ordering agency directly to the contractor.

(c) Agencies submitting requirements which are subsequently contracted for by GSA will be obligated to procure the type of coal covered under such contracts, but only to the extent deliveries are required. However, agencies shall notify the contractor as soon as possible in case the estimated requirements will not be needed due to changes or conversions in heating equipment or other reasons.

§ 101–26.504–2 Submission of requirements.

(a) Estimates of coal requirements for delivery during the period July 1 through June 30 of each year shall be prepared on GSA Form 222, Estimated Requirements for Coal (see § 101–26.4902–222), and submitted in original only so as to arrive at the appropriate GSA regional office, as shown in § 101–26.504–4, on or before January 15. A separate requirement form should be prepared for each kind and size of coal required for each delivery point.

(b) The section of the form entitled "Acceptable Analytical Limits of Coal Required" shall reflect minimum and maximum requirements based on heating engineering data applicable to the particular equipment in which the coal will be used.

(c) Copies of GSA Form 222 may be obtained from the GSA regional offices shown in § 101–26.504–4, or facsimiles of the form may be submitted.

§ 101–26.504–3 Inspection and testing of coal deliveries.

(a) Each participating agency shall take coal samples, for analysis purposes, in accordance with the methods set forth in the latest edition of the Handbook on Coal Sampling issued by the Department of the Interior, Bureau of Mines. It is essential that such samples be properly taken as set forth in this handbook. Copies of the Handbook on Coal Sampling may be obtained, upon request, from the Coal Sampling and Inspection, Division of Bituminous Coal, Bureau of Mines; College Park, Maryland, 20740.

(b) Coal samples shall be forwarded by the agency to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213. A charge of $7.50 for each sample submitted will be assessed by the Bureau of Mines for performing such analysis; or agencies may enter into an agreement with the Bureau of Mines for services and testing on an annual flat rate basis. Agencies shall furnish the Bureau of Mines laboratory complete billing instructions at the time samples are submitted. Copies of the results of each analysis will be furnished by the Bureau of Mines to GSA for comparison with the analytical limits guaranteed by the contractor, and after comparison, a copy of the analysis will be forwarded to the agency concerned. In the event that the sample does not meet the minimum requirements of the analytical limits specified in the contract, GSA will compute the amount, if any, to be deducted from the contract price and will furnish this information to the using agency, with the analysis report.

§ 101–26.504–4 Procuring offices and delivery areas.

The GSA regional offices shown below will contract for consolidated coal requirements for carload delivery to Federal agencies at destinations within the States indicated for each:

(a) General Services Administration Region 3, Washington, D.C., 20407—Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

(b) General Services Administration Region 5, 219 South Dearborn Street, Chicago, Illinois, 60604—Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin.

(c) General Services Administration Region 6, 1500 East Bannister Road, Kansas City, Missouri, 64131—Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

(d) General Services Administration Region 8, Building 41, Denver Federal Center, Denver, Colorado, 80225—Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

§ 101–26.505 Purchase of furniture and furnishings.

§ 101–26.505–1 General.

This section prescribes the methods to be used by Federal agencies in obtaining furniture and furnishings, including the procedures to be used in the United States in obtaining new household and quarters furniture covered by the purchase program of GSA.

§ 101–26.505–2 Furniture and furnishings classifications.

For the purpose of this § 101–26.505 the applicable classifications and definitions of furniture and furnishings are as follows:

(a) *Office furniture and furnishings.* "Office furniture and furnishings" consists of wood and metal furniture and furnishings normally used in business offices and libraries and includes executive-type office furniture and furnishings. The term includes, but is not limited to, such items as desks, tables, credenzas, telephone stands, filing sections, office safes and security cabinets, upholstered chairs and davenports, swivel chairs, side chairs, desk trays, waste receptacles, visible record cabinets, vertical-type and shelf-type filing cabinets, coat racks, folding and tablet arm chairs, folding tables, desk lamps, and carpet and rugs, but excludes such items as typewriters, office machines, workbenches, and electric accounting machines and components.

(b) *Household and quarters furniture and furnishings.* "Household and quarters furniture and furnishings" consists of furniture and furnishings normally used in housekeeping and nonhousekeeping quarters, including dens, lobbies, and reception rooms. The term includes, but is not limited to, such items as davenports; chairs; buffets; china cabinets; dining tables; kitchen tables; occasional tables; mirrors; porch chairs; vanities, wardrobes, night tables, and other bedroom furniture; lamps; and carpet and rugs.

(c) *Hospital furniture and furnishings.* "Hospital furniture and furnishings" includes, but is not limited to, items such as manually and electrically adjustable beds, nonadjustable beds, over-bed tables, bedside tables (cabinet type), ward chairs, bedside folding screens, chests, dressers, carpet and rugs, and reception room furniture.

§ 101–26.505–3 Determination.

In connection with section 1316 of the "Supplemental Appropriation Act, 1954" (40 U.S.C. 483b), the Administrator of General Services has determined that all of the requirements of agencies for furniture cannot reasonably be met by transfer of excess furniture, including rehabilitated furniture, from other departments and agencies. Although agencies are not required to come to GSA for certificates of unavailability, this does not in any manner reduce the obligation of agencies to acquire excess furniture, including rehabilitated furniture, in lieu of new furniture whenever it is available.

§ 101–26.505–4 Acquisition of office furniture and furnishings.

Office furniture and furnishings shall be obtained, to the extent available, from GSA supply depots or through GSA Federal Supply Schedules, pursuant to Subparts 101–26.3 and 101–26.4.

§ 101–26.505–5 Acquisition of household and quarters furniture.

Agencies shall submit purchase authorities for their requirements for new household and quarters furniture of over $2,500 not obtainable from Federal Supply Schedule contracts to the GSA regional office serving the point of delivery specified in the agency purchase authority. Purchases not in excess of $2,500 may be made by the requiring agency.

§ 101–26.505–6 Submission of purchase authorities.

(a) Purchase authorities submitted to GSA shall be complete as to specifications, time or times as to when delivery is desired or required, consignment and shipping instructions, and other pertinent information.

(b) Requirements shall normally be determined sufficiently in advance to permit submission of purchase authorities to GSA a minimum of 120 days in advance of required delivery time within the continental United States or 150 days in advance of required delivery time overseas except that additional lead time should be provided to correspond with additional time involved in ship sailings to overseas points not covered by regularly scheduled departures from ports within the continental limits of GSA Regions 2, 7, 9, and 10.

(c) Submission of purchase authorities specifying delivery in less than 120 days or covering requirements for which there are neither Federal nor Military specifications shall include a statement of circumstances and complete justification for emergency procurement and/or need for the specific requirement to support action by GSA.

§ 101–26.505–7 GSA assistance in selection of available furniture and furnishings.

The Federal Supply Service, Buying Division, in each GSA regional office will make available to agencies, on request, complete information of available types, styles, finishes, coverings, colors, etc., of available furniture and furnishings under the GSA purchase program to facilitate selection prior to preparation of purchase authorities.

Subpart 101–26.6—Procurement Sources Other Than GSA

§ 101–26.601 Purchase of blind-made products and products manufactured by the Federal Prison Industries, Inc.

(a) Purchases by executive agencies of blind-made and prison-made products carried in GSA supply depots must be made as provided in Subpart 101–26.3.

(b) Purchases by all Federal agencies of blind-made and prison-made products not carried in GSA supply depots, or depot stock items procured under exceptions set forth in § 101–26.301, must be made in accordance with the provisions in the Schedule of Blind-made Products and the Schedule of Products Made in Federal Penal and Correctional Institutions.

(c) Blind-made and prison-made products available from GSA supply depots are identified by Federal stock numbers in such Schedules.

§ 101–26.602 Purchase of lubricating oils.

§ 101–26.602–1 Applicability.

Executive agencies shall be governed by the provisions of this § 101–26.602 obtaining their requirements, in the continental United States (including Alaska), of lubricating oils. Other Federal agencies may obtain their requirements in the same manner.

§ 101–26.602–2 Procurement requirements.

(a) Requirements of the types of lubricating oils covered by contracts of the Defense Fuels Supply Center shall be obtained from such contracts, unless:

(1) The maximum single order is less than the minimum quantity obtainable under the Defense Fuels Supply Center contracts;

(2) Container sizes required are smaller than those available from Defense Fuels Supply Center contracts; or

(3) Purchase without regard to existing Defense Fuels Supply Center contracts is otherwise authorized.

(b) Agency requirements of lubricating oils to which (1), (2), or (3) of paragraph (a) of this § 101–26.602–2 would be applicable, or which are not covered by Defense Fuels Supply Center contracts, are to be purchased by the requiring agency without reference to these contracts. Mandatory sources of supply, if any, shall be utilized.

(c) Agency requirements of lubricating oils covered by Defense Fuels Supply Center contracts shall be obtained by following the method specified in the applicable "Oil Contract Bulletin" issued for each fiscal year by the Defense Fuels Supply Center.

Subpart 101–26.49—Illustrations of Forms

[Subpart 101–26.49 is amended by adding certain GSA forms to § 101–26.4902 and by the addition of new § 101–26.4903, FSS forms.]

§ 101–26.4902 GSA forms.

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§ 101–26.4902–211 GSA Form 211: Estimated Gasoline Requirements.

§ 101–26.4902–212 GSA Form 212: Estimated Kerosene and Fuel Oil Requirements.

§ 101–26.4902–213 GSA Form 213: Estimated Solvent Requirements.

§ 101–26.4902–222 GSA Form 222: Estimated Requirements for Coal.

§ 101–26.4902–457 GSA Form 457: Request for Federal Supply Schedules and Contractors' Catalogs (Including Pricelists).

§ 101–26.4902–1398 GSA Form 1398: Motor vehicle purchase and inspection label.

§ 101–26.4902–1718 GSA Form 1718 (Multi-carboned): Unsatisfactory Equipment Report.

§ 101–26.4902–1781 GSA Form 1781: Motor Vehicle Requisition/Code Sheet.

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§ 101–26.4903 FSS forms.

The FSS forms are illustrated in this section to show their text, format and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the FSS form numbers.

§ 101–26.4903–195 FSS Form 195: Instructions to Consignee Receiving New Motor Vehicles Purchased by GSA.

NOTE: The forms in §§ 101–26.4902–211 through 101–26.4902–1781 and § 101–26.4903–195 filed as part of the original document. Copies may be obtained from Central Office, GSA.

SUBCHAPTER F—COMMUNICATIONS AND PUBLIC UTILITIES

PART 101–35—TELECOMMUNICATIONS

Sec.

101–35.000 Scope.

Subpart 101–35.1—General Provisions

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101–35.105 Definition of telecommunications services.
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101–35.201 General.
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Subpart 101–35.3—Utilization and Ordering of Telecommunications Services

101–35.301 General.
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101–35.304 Changes in telephone listings.
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Subpart 101–35.4—Contracting, Negotiation, and Representation Involving Telecommunications Services

101–35.401 General.
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101–35.403 Tariff interpretation.
101–35.404 Representation and negotiation.
101–35.405 Submission of requests.

SUBPART 101–35.5—101–35.49 [RESERVED]

AUTHORITY: The provisions of this Part 101–35 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–35.1—General Provisions

§ 101–35.000 Scope.

This part prescribes policies and methods governing the utilization by executive agencies of telecommunications services within the United States and its insular possessions.

§ 101–35.101 Authorities implemented.

This Part 101–35 implements the following authorities: Section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481); section 7, Act of June 14, 1946 (40 U.S.C. 295); Presidential Letter of July 1, 1949 (14 F.R. 3699; 3 CFR); Bureau of the Budget Bulletin 61–13, June 19, 1961; Executive Order No. 11093 of February 26, 1963 (28 F.R. 1851; 3 CFR); and Presidential Memorandum of August 21, 1963 (28 F.R. 9413; 3 CFR).

§ 101–35.102 Applicability.

The provisions of this Part 101–35 apply to all executive agencies to the extent specified in the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, or other law, except as provided in this section.

(a) The Statement of Areas of Understanding between the Department of Defense and General Services Administration (15 F.R. 8226) shall govern the applicability of this Part 101–35 to the Department of Defense.

(b) The provisions of this Part 101–35 do not apply to the requirements of the following operational telecommunications services and facilities:

(1) Federal Aviation Agency—Facilities used for regulation and protection of air traffic.

(2) National Aeronautics and Space Administration—Missile and satellite tracking facilities.

(3) Veterans Administration—Facilities installed in a hospital complex for bio-medical communications.

(4) Bureau of Prisons—Facilities installed in penal or correctional institutions to meet physical security requirements.

(5) Tennessee Valley Authority—Noncommon-use facilities peculiar to operation of TVA projects.

(c) GSA will, upon request, furnish the services provided for in this Part 101–35:

(1) To executive agencies to which this Part 101–35 may be inapplicable or of limited applicability by virtue of this section.

(2) To any other Federal agency, mixed-ownership Government corporation, the District of Columbia, the Senate, the House of Representatives, and the Architect of the Capitol, and any activity under his direction.

§ 101–35.103 Policy.

It is the policy of the Administrator of General Services to:

(a) Provide communications services for executive agencies at the minimum total cost to the Government consistent with requirements for capacity, efficiency of operation, reliability of service, security, and programed activities.

(b) Enter into agreements with other departments and agencies which would permit their operation of special purpose communications facilities.

§ 101–35.104 Objectives.

The objectives of GSA's communications program are to:

(a) Provide a unified and coordinated Federal Telecommunications System within the United States and its insular possessions designed to strengthen the national security posture and to provide economical and efficient telecommunications services for normal and emergency requirements of civil agencies and to fulfill the responsibilities of the Administrator of General Services in the development and implementation of the National Communications System.

(b) Establish policies, methods, and procedures and provide guidance for executive agencies to insure efficient and economical procurement and utilization of telecommunications facilities.

§ 101–35.105 Definition of telecommunications services.

"Telecommunications services" include, without limitation, the transmission, emission, or reception of signals, signs, writing, images, sounds, or intelligence of any nature, by wire, radio, visual, or other electrical or electromagnetic means. Telecommunication facilities include equipment used for such modes of transmission as telephone, telegraph, teletypewriter, data, facsimile, telephotograph, video, audio, and such corollary items as distribution systems and communications security facilities.

§ 101–35.106 Circuit management.

The Federal Telecommunications System program incorporates the features of

centralized procurement and management of leased circuit facilities with agency consultation as required.

§ 101–35.107 Surveys.

GSA, in coordination with the agency involved, will survey executive agency requirements for, and utilization of, telecommunication facilities and services and will advise and assist executive agencies in the implementation of improvements determined, with due regard to the program activities of the agency involved, to be advantageous to the Government in terms of economy, efficiency, or service.

§ 101–35.108 Agency payments to common carriers.

Executive agencies shall advise the communications common carriers with which they do business to provide GSA, upon the request of GSA to the carrier, duplicate copies of all bills submitted to the individual agencies for communications services. These bills shall include an itemization of services for which the bills are rendered.

§ 101–35.109 Future plans.

Executive agencies are requested to institute a two-step planning program projecting current telecommunications requirements (less than five fiscal years beyond the current fiscal year) and long-range telecommunications requirements (at least five fiscal years beyond the current fiscal year). These plans shall be reviewed and updated annually and submitted to GSA by August 15 of each year in order that the Federal Telecommunications System may be modified as necessary to insure that overall requirements are served. Technical advice and assistance, including projection of cost in the development and implementation of planning programs, will be provided by GSA.

§ 101–35.110 Contracting and negotiation.

GSA will develop areawide contracts covering the furnishing of standard communications services to executive agencies. GSA will also furnish to executive agencies advice and assistance in tariff interpretation, and will negotiate general and special purpose contracts as specified in Subpart 101–35.4.

§ 101–35.111 Advice and assistance.

GSA will provide assistance to executive agencies regarding telecommunications services and facilities, including communications program development; delineation of communications requirements; communications security; terminal equipment; other related services; and methods and procedures for developing the capability for efficient telecommunications operations.

§ 101–35.112 Submission of information.

All information required under this Part 101–35 shall be addressed to the General Services Administration, Transportation and Communications Service, Office of Communications, Washington, D.C., 20405, or to the Regional Director, TCS, in the region concerned, at the option of the agencies.

Subpart 101–35.2—Major Changes and New Installations

§ 101–35.201 General.

Executive agencies contemplating major changes in telecommunications facilities or the installation of new facilities shall furnish to GSA complete information relating thereto sufficiently in advance to permit full review. Executive agencies are authorized to place orders for the proposed change or installation if no recommendation is made by GSA within 20 regular working days, or such lesser period as may be agreed upon where time is a critical factor, from the date the data supporting the proposal is forwarded to GSA.

§ 101–35.202 Definition of major changes.

For the purpose of this Subpart 101–35.2, the following shall be deemed major changes or new installations of telecommunications facilities:

(a) *Local telephone service.* (1) Installation, relocation, or removal of private branch exchanges.

(2) Installation or removal of one or more switchboard positions involving existing services.

(3) Changes from manual to dial PBX service, or vice versa, and switchboard modifications for touch-tone service, etc.

(4) Installation or removal of direct inward dialing capability on existing dial PBX's.

(5) Installation, relocation, or removal of ten or more individual business lines in association with key telephone systems.

(6) Installation or removal of tielines between private branch exchanges.

(7) Installation or removal of tielines between private branch exchanges and the Interdepartmental Dial System in Washington or Government switching tandems in other major cities as established.

(8) Installation of Centrex telephone service on the agency's premises or participation in Centrex telephone service which may be on the telephone company's premises.

(9) Installation of equipment of any type for which termination liability in excess of $50,000 must be assumed on the removal of such equipment, and service connection charges, plant construction charges, or minimum revenue guaranties in excess of $50,000.

(b) *Intercity telephone service.* Installation of voice facilities interconnecting service points located in separate exchange areas, including Wide Area Telephone Service (WATS).

(c) *Data transmission service.* Installation or removal of intercity data transmission channels or equipment, regardless of transmission speed. Local data transmission channels or equipment require prior approval for installation but may be removed without approval provided that GSA is given concurrent notification.

(d) *Telegraph service.* (1) Installation or removal of intercity teletypewriter, facsimile, data, or other type of telegraph grade services and terminal equipment. Local teletypewriter, including TELEX and teletypewriter Exchange (TWX) Service, requires prior approval for installation but may be removed without approval provided that GSA is given concurrent notification.

(2) Installation or removal of tielines to domestic and international carriers.

(3) Installation or discontinuance of telegraph grade facilities and services under bulk tariff service arrangements.

(e) *Communications security service.* (1) Installation, relocation, or removal of one or more pieces of communications security and related equipment.

(2) Commencement or discontinuance of maintenance support arrangements (including repair or rebuilding) for communications security and related equipment.

(f) *Radio service.* Installations involving the extension or major change to existing systems or the implementation of new systems.

(g) *Video and audio service.* Installation or removal of video or audio program service (closed circuit or conventional).

§ 101–35.203 Justification of major changes and new installations.

The specific information required for each major change in and installation or removal of telecommunications facilities is as follows:

(a) *Local telephone service.* (1) Determined by reference to applicable chart and traffic engineering survey summary.

(2) Telephone operator cost data, where required, shall be submitted on GSA Form 217, Telephone Operator Cost Data, in accordance with the instructions provided thereon. Copies of GSA Form 217 may be obtained as required from the GSA regional offices.

(b) *Intercity telephone service.* Nature of requirement which cannot be satisfied by the intercity telephone service of the Federal Telecommunications System, average number of messages per business day, average conversation time per message, operating time per message, and percent of messages in the busy hour based on five working days. The information should cover toll calls originating at either end of the proposed circuit. A copy of the telephone company's monthly statement of the toll calls, including charges originating at either end of the proposed intercity circuit, should be furnished also.

(c) *Data transmission service.* Type of transmission, speed of transmission, points of interconnection or exchange of data information, and average daily volume of traffic expressed in number and length of transmission or total transmission time per day, based on a monthly average or anticipated workload.

(d) *Telegraph service.* Average number of messages sent and received per day for a period of one month, the average legnth of messages in text words, and the origin, destination points.

(e) *Communications security service.* Initial notification-statement that a requirement exists for service in the communications security area. Subsequent arrangements to satisfy the needs of the agencies will be based on agreements developed by the COMSEC officers of the requesting agency and GSA.

(f) *Radio service.* Information as specified by GSA Forms 1951 and 1951A.

(g) *Video and audio service.* Bandwidth, transmission mode, hours of service, points of interconnection and purpose for which the service is required.

Subpart 101–35.3—Utilization and Ordering of Telecommunications Services

§ 101–35.301 General.

The utilization and ordering of telecommunications facilities and services shall be undertaken in accordance with this Subpart 101–35.3. Orders for changes or new installations are subject to the provisions of Subpart 101–35.2.

§ 101–35.302 General requirements.

(a) *Advance notice.* Plans, service requests, and orders should be submitted as far as possible in advance of date service is desired to allow leadtime for planning and scheduling of work.

(b) *Floor plans.* GSA will notify the requesting agency when floor plans are required in connection with GSA-operated joint-use switchboards. In other cases, the common carrier representative or the agency telecommunications authorities will make appropriate arrangements. Floor plans also may be required in store-forward telegraph grade facility moves and installations.

(c) *Restrictions.* Installations or changes, other than those called for on the order, shall not be made without amending the existing order or preparing a new order. Only authorized employees shall be allowed to install or change telecommunications equipment.

§ 101–35.303 Telephone service.

(a) *Form for ordering service.* Standard Form 145, Order for Telephone Service, and Standard Form 145A, Continuation Sheet—Order for Telephone Service, are prescribed for use by Federal agencies in ordering telephone service on Government switchboards from telephone companies and in requesting service from Government agencies operating joint-use switchboards. Standard Form 145 may be used in ordering individual line service and in ordering installation of switchboards and related equipment. Agencies also may use this form as a basis for establishing inventories of telephone equipment and service and as an internal agency requisition.

(b) *Preparation of orders.* Instructions for the preparation of Standard Form 145, Order for Telephone Service, are provided on the flyleaf of each pad of forms.

§ 101–35.304 Changes in telephone listings.

Standard Form 146, Changes in Telephone Listings, shall be used to request changes in telephone listings. It shall be submitted in accordance with instructions on the form.

§ 101–35.305 Telegraph service.

Orders or requests for changes in and new installations or removal of telegraph facilities shall be submitted by letter, memorandum, Standard Form 145, or appropriate agency purchase order form.

§ 101–35.306 Forms for telegraph messages.

Standard Form 14, Telegraphic Message, is prescribed for use within the United States by executive agencies in preparing official Government telegrams, teletype messages, and other messages for transmission by wire and cable or radio communications facilities. Instructions for the preparation and use of Standard Form 14 are included as a part of the cited form. Appropriate special forms may be used in lieu of Standard Form 14 when messages are to be transmitted by facsimile and for certain data messages requiring prearranged format.

Subpart 101–35.4—Contracting, Negotiation, and Representation Involving Telecommunications Services

§ 101–35.401 General.

Contracting, negotiation, and representation functions for executive agencies for telecommunications services shall be undertaken pursuant to this Subpart 101–35.4. Applicability of Subpart 101–35.2 shall not be affected by the contracting requirement set forth in this Subpart 101–35.4.

§ 101–35.402 Contracting.

GSA has special statutory authority for entering into long term contracts not to exceed 10 years with communications common carriers. GSA will enter into area-wide, general purpose, and special purpose contracts for telecommunications services to executive agencies as indicated in this section when it determines that such contracts are advantageous to the Government in terms of economy, efficiency, and service.

(a) *Area - wide contracts.* Where area-wide contracts have been executed, each executive agency taking service in the franchised territory of the contracting carrier shall procure services under the terms of such contract, unless a general or special purpose contract is deemed by GSA, in consultation with the agency concerned, to be in the best interest of the Government.

(b) *General purpose contracts.* Executive agencies will make written request to GSA to contract for general purpose services where:

(1) No area-wide contract is available; and

(2) Service requirements involve annual recurring charges or termination liabilities in excess of $50,000; or

(3) Rates have not been established by a Federal or State regulatory body.

(Except for long term contracts under the above special statutory authority of GSA, executive agencies are authorized to enter into general purpose contracts for requirements which are not within the above specific limitations. One conformed copy of each such contract shall be furnished to GSA.)

(c) *Special purpose contracts.* Executive agencies will make written request to GSA to contract for special purpose services where the requirements include:

(1) Nonstandard or special services involving annual recurring charges or termination liabilities in excess of $50,000; or

(2) Establishment of new rate centers; or

(3) Establishment of new tariffs.

§ 101–35.403 Tariff interpretation.

GSA will provide, upon request, information on published tariff rates for communications services, including tariff interpretation and application. Inquiries should set forth in detail the nature of the communications service requested, proposed carrier rate treatment, if known, and agency comments pertinent thereto.

§ 101–35.404 Representation and negotiation.

GSA, in behalf of executive agencies, will conduct negotiations with communications carriers and suppliers and, where circumstances warrant, will institute formal or informal action, as required, before Federal and State regulatory bodies to contest the level, structure, or applicability of rates or service terms.

§ 101–35.405 Submission of requests.

Written requests for assistance should be addressed to the General Services Administration, Transportation and Communications Service, Office of Communications, Washington, D.C., 20405.

Subpart 101–35.5—101–35.49 [Reserved]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

Subpart 101–42.1—General Provisions

Sec.
101–42.100 Scope of subpart.
101–42.101 Classification and definitions.
101–42.101–1 Office furniture.
101–42.101–2 Household and quarters furniture.
101–42.101–3 Hospital furniture.
101–42.101–4 Institutional furniture.
101–42.102 GSA services available.
101–42.103 Care and preventive maintenance of office machines.

Subpart 101–42.2—Maintenance and Rehabilitation

101–42.201 Rehabilitation facilities.
101–42.202 Requisitioning procedures.
101–42.203 Additional procedures.
101–42.204 Notifications.

AUTHORITY: The provisions of this Part 101–42 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–42.1—General Provisions

§ 101–42.100 Scope of subpart.

This subpart prescribes the policies and methods governing the rehabilitation of office furniture and machines, household and quarters furniture, and hospital and institutional type furniture; and the operation of repair facilities located within the United States, Puerto Rico, and the Virgin Islands performing such services.

§ 101–42.101 Classification and definitions.

For the purpose of this Part 101–42, the applicable classification and definitions of furniture are as set forth in this section.

§ 101–42.101–1 Office furniture.

The term "office furniture" includes wood and metal furniture normally used in a business office, including executive type office furniture and furnishings, such as, but not limited to, desks, tables, telephone stands, filing sections, office safes and security cabinets, upholstered leather chairs and davenports, desk trays, waste receptacles, visible record cabinets, vertical type filing cabinets, folding and tablet arm chairs, and folding tables, but excludes such items as desk lamps, rugs, typewriters, office machines, workbenches, and electric accounting machines and components.

§ 101–42.101–2 Household and quarters furniture.

The term "household and quarters furniture" includes furniture normally used in housekeeping and nonhousekeeping quarters, libraries, dens, and reception rooms such as, but not limited to, armchairs, sofas, side chairs, buffets, dining tables, kitchen tables, occasional tables, mirrors, occasional chairs, porch chairs, vanities, wardrobes, and night tables.

§ 101–42.101–3 Hospital furniture.

The term "hospital furniture" includes items such as, but not limited to, beds (both adjustable and nonadjustable), overbed tables, bedside tables (cabinet type), ward chairs, and bedside folding screens. For the purpose of this Part 101–42, hospital equipment of a specialized nature is excluded.

§ 101–42.101–4 Institutional furniture.

The term "institutional furniture" includes items such as, but not limited to, chairs, sofas, tables, common to institutions, domiciliaries, dormitories, mess halls, and classrooms, whether made of wood, metal, or other material either plain or upholstered.

§ 101–42.102 GSA services available.

(a) GSA maintains in each regional office property rehabilitation organizational elements which assist Government agencies in furthering the maximum utilization of office furniture and machines, household and quarters furniture, and hospital and institutional type furniture. This service is performed by agreements with Federal repair facilities, and contracting with commercial concerns for the rehabilitation of Government-owned personal property. In addition, regional offices perform and control ordering processing, including contracting services of agency orders for rehabilitation services, and assist agencies in processing requests for the repair or rehabilitation of office furniture and machines, household and quarters furniture, and hospital and institutional type furniture.

(b) GSA will be responsible for making appropriate audits of contractors' representations for services rendered under GSA administered contracts of the "time and material" or "cost" types.

§ 101–42.103 Care and preventive maintenance of office machines.

Executive agencies shall take appropriate steps to assure adequate care and preventive maintenance of office machines, with the performance of mechanical repairs restricted to personnel who have had adequate training for the task to be performed.

Subpart 101–42.2—Maintenance and Rehabilitation

§ 101–42.201 Rehabilitation facilities.

Where rehabilitation requirements exceed the capabilities of an activity or installation, the facilities and services of GSA including Federal facilities and those under contract shall be used as the primary source unless delivery requirements cannot be met.

§ 101–42.202 Requisitioning procedures.

Orders for rehabilitation services shall be submitted to the GSA regional office which normally serves the procuring activity or installation unless otherwise specified in applicable contracts.

§ 101–42.203 Additional facilities.

(a) No additional Government-owned or -operated facilities shall be established unless the agency head, or his designee, determines it is clearly impossible to obtain the required services at a reasonable cost from other Government or commercial facilities.

(b) Prior information as to proposed additional facilities to be established, including the type of shop to be operated and its estimated capacity, or the discontinuance of existing facilities, including the type of operation and its capacity, shall be furnished, in duplicate, to the General Services Administration, Utilization and Disposal Service, Washington, D.C., 20405. Information as to proposed Department of Defense facilities will pertain only to reconditioning or depot maintenance facilities.

(c) These restrictions, however, do not preclude the Department of Defense from establishing and manning authorized Tables of Organization and Equipment type facilities to assure the availability of trained military maintenance personnel for dispatch to overseas areas.

§ 101–42.204 Notifications.

(a) Each executive agency shall furnish to the appropriate GSA regional office current information as to each presently established Government-owned repair shop operated by it in the repair or reconditioning of office machines or furniture within the regional area served by such office. Such information shall include the type of shop operation and its monthly capacity in terms of both (1) average ordinary repair, and (2) average complete reconditioning of office machines and furniture. Information as to Department of Defense facilities will pertain only to reconditioning or depot maintenance facilities.

(b) GSA regional offices will advise agencies upon request, as to existing repair or reconditioning facilities and term contracts therefor which are available within their respective areas.

Effective date: These regulations shall be effective December 15, 1964.

Dated: November 6, 1964.

BERNARD L. BOUTIN,
Administrator of General Services.

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